

**Action Summary**

#1 218 N. Burmester PUD	Approved
#2 Grantsville Multi-Use Office/Residential PUD	Approved
#3 Grantsville Multi-Use Office/Residential Final Plat & Construction Plan Review	Approved
#4 Desert Edge PUD	Moved to End/Discussion
#5 Hale Street Market	Tabled
#6 Worthington Ranch PUD	Discussion
#7 Extension for Preliminary Plat Approval	Discussion
#8 Minutes form 2/16/23 & 3/16/23	Approved

**MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 08/17/23. 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

**Excused:** Kevin Hall, Derek Dalton.

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

**Citizens and Guests Present:** Kaycee Foster, Fred C Cox, Jason Boal, Michael House, Brandon Babcock, Barry Bunderson, Spencer Connelly, Tracye Herrington, Matt Christensen, Ben Duzett, Craig Jensen, Barry Gittleman, Stetson Blackmore, Ashley Sager, Ed & Cindy Cole, Ann & Carl Armstrong, Andy & Kathi Lewis, Richard Brothers

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

**PUBLIC HEARING:**

**a) Public Hearing for the Final Plat and Construction Plan Review for Hale Oil**

No comments on Zoom

**Ann Armstrong** – Yes, I'm Ann Armstrong. I live at 19 South Hale, right next to the old car wash. I'm a little concerned about that corner with traffic because at certain times of the day, like early in the morning when you're taking the kids to school or picking them up or after school, I can't get out of my driveway. The other issue that I might have is it needs to have a privacy fence sound, deafening privacy fence. We have also heard that in the plans are moving the fuel storage tanks from Jay Hill's old property to the empty lot behind our home. And if that's the case, there's a no-go on my vote.

**Jaime Topham** – Thank you. Is there anyone else? Come on up. Tell us who you are.

**Richard Brothers** – I'm Richard Brothers. I'm here for Betty Menalis, 5 West Main. We're taking interest in mitigating traffic, noise and the dust that goes along with the construction. What's going to be done and who's going to control it?

**Jaime Topham** – Okay. Anything else you'd like to say?

**Richard Brothers** – There probably is but I don't want to get in trouble.

**Jaime Topham** – Thank you for your time. Is there anyone else that would like to be heard? I see no one else coming up. I'm going to go ahead and close that item and that's going to close our public hearing section tonight.

### **1. Consideration to approve the PUD for 2 acres located on Burmester Road & North Street**

Ashley Sager was present to answer questions

**Ashley Sager** – Hello again.

**Jaime Topham** – Hello, welcome back.

**Ashley Sager** – I'm Ashley Sager. I'm the property owner.

**Cavett Eaton** – This is what you asked for last time is this diagram.

**Jaime Topham** – Is the diagram. Yes.

**John Limburg** – Perfect

**Jaime Topham** – I didn't have any concerns or questions. Thank you for providing the diagram. That helps us.

**Rick Barchers** – Yeah, it looks great.

**Ashley Sager** – Yeah, you bet.

**Jaime Topham** – And you said that you're going to have the gates that they have their own access codes too. It can come in and go out.

**Ashley Sager** – Yeah, so we are doing the gate.

**Jaime Topham** – Yeah. Can you guys hear her? Now they can hear you, just you were talking to low.

**Ashley Sager** – Wonderful. I'm short I've got to put it all the way down here. Sorry.

**Jaime Topham** – The fence, your gates?

**Ashley Sager** – Yes. Okay. So, in this outer edge area, there is a gate, so there's a drop up area. People can come in off the streets, they can either drop it off or we're doing that they can access it themselves. There is going to be within a gate in the middle. We did talk about lighting. After looking at the expenses of that, we're just low key and we're going to start out pretty low key.

**Jaime Topham** – So are you going to have daytime hours then for pickup and drop off?

**Ashley Sager** – Yes.

**Jaime Topham** – Okay. What do you anticipate those hours to be?

**Ashley Sager** – I'm thinking about a nine to seven time period.

**Rick Barchers** – That's fairly normal for the industry.

**Ashley Sager** – Yeah. So, give people enough time to get back but not too late or too early.

**Rick Barchers** – I think the only thing that anyone ever really had any problem with was that you were going to have some area that would accommodate vehicles coming in prior to the gate, which you've ironed that out. Dan, wasn't there's some concern over lighting plan? I think that was the only other thing.

**Dan England** – Are you going to be lighting the area?

**Ashley Sager** – So right now we're not just for the expenses and stuff, I don't think we really need to right now. Maybe in the future this is something that's going to start slow and see where it goes, how it builds.

**Dan England** – People be dropping off. How late will it be?

**Ashley Sager** – About 7:00 PM.

**Dan England** – 7:00 PM. It might be starting to get little dark in the wintertime on that. If you do end up going with light then need to submit a plan

**Ashley Sager** – Okay, perfect. We can do that.

**John Limburg** – I'm good.

**Rick Barchers** – I'm good.

**Jaime Topham made a motion to approve the PUD for 2 acres located on Burmester Road & North Street. John Limburg seconded the motion. And all in favor? Motion carries unanimously**

**Ashley Sager** – Thank you.

## **2. Consideration to approve the PUD for Grantsville Multi-Use Office/Residential Development**

Fred C. Cox was present to answer question.

**Jaime Topham** – Hello.

**Fred Cox** – My name is Fred Cox. I'm an architect. I'm with Entelen and I'm here representing the owner.

**Rick Barchers** – I think all we had on this was a few technical issues that were brought up by you. Isn't that correct, Dan?

**Dan England** – Yeah, Fred met with me earlier today and we went over them and most of them were addressed. There's only a couple of minor things that aren't very big. Where the drainage basin comes in relationship to the building and what was the other one?

**Fred Cox** – Whether or not we shift the trees out a little further in or not has to do with utilities. There are notes to coordinate with the utilities.

**John Limburg** – You good with them?

**Rick Barchers** – You guys have been in here several times. You've pretty well got everything ironed out.

**Fred Cox** – We've been in here for over a year, but we're trying to make sure that we've got all your answers.

**Rick Barchers** – I think you've got it covered.

**Fred Cox** – By the way, we didn't send him the drawings today. We sent him yesterday or something, but we didn't send them at five o'clock today so we made sure that he had a little bit more time except for everybody else was talking.

**John Limburg** – Well, if Dan's good with it. I'm good with it. He's the one that had the questions.

**Jaime Topham made a motion to approve the PUD for Grantsville multi-use office residential development. Rick Barchers seconded the motion. And all in favor? Motion carries unanimously**

## **3. Consideration to recommend approval the Final Plat and Construction Plan Review for Grantsville Multi-Use Office/Residential Development**

**Jaime Topham** – So have your issues been addressed and are contained in this final plat?

**Dan England** – As I stated just a moment ago, they have been addressed except for just minor things, which can be taken care of before we sign off on the final drawing. But they would not impact anything at this level.

**Jaime Topham** – Okay, so Brett are we okay to approve what's here if they have to make some changes to the final flat?

**Brett Coombs** – Yes. Yeah, just well as long as it's nothing that could affect condition that you've put on it, which doesn't sound like that is the case.

**Fred Cox** – The two items that we're discussing is shifting the swell as it goes around the corner, the northwest corner of the building. We already shifted it some but it's still cutting close to the corner and Dan would like that addressed. Then we have trees noted on the park strip, which is required by the zoning code, but we put a note to coordinate with utilities because we knew that utilities could create a problem and so we'll just shift them to the north. So I don't even know that we need to change anything on that one.

**Jaime Topham** – Okay.

**John Limburg** – You want me to make a motion?

**Jaime Topham** – Sure.

**John Limburg made a motion to approve the Final Plat and Construction Plan Review for Grantsville Multi-use Office/Residential Development. Rick Barchers seconded the motion. And all in favor? Motion carries unanimously**

**Fred Cox** – Thank you very much.

**Jaime Topham** – Thanks.

#### **4. Consideration to approve PUD for Desert Edge Subdivision PUD Development**

**Jaime Topham** – Would you guys be willing to let us table this for just a few minutes and come back, take care of a couple of other items that are probably a little bit more summary since we still have some conversation that needs to happen?

**Spencer Connelly** – Glad to.

**Jaime Topham** – Thank you. So, we're actually going to hold off on number four for just a few minutes and we're going to move to item number five

#### **5. Discussion of Final Plat and Construction Plan Review for Hale Oil**

**Jaime Topham** – Is there someone here from Hale Oil? Okay, well that's going to wrap up really quickly. Is there anyone on Zoom for them, for Hale Oil?

**John Limburg** – We don't even have anything on the agenda for him.

**Jaime Topham** – It's just a discussion. Okay, so no one's here to discuss it so I guess we'll move on. All right.

**John Limburg** – Well, just so I know for the comments when made, where is it?

**Lanise Thompson** – Sinclair.

**Jaime Topham** – Sinclair

**Cavett Eaton** – Here's your location right there. You're not seeing the screen.

**John Limburg** – They're planning on putting a new car wash in?

**Cavett Eaton** – No, they've already been approved for a market to be built where the existing gas station is, now they're moving the Ross Automotive to the back of the lot. You can see the drawing there. They're going to tear the front one down, move to the back. So this is only for the back section. The front's already been approved and they're ready to build.

**John Limburg** – Okay. They're having a car wash back there that hasn't been being used.

**Dan England** – Yeah, that'll go away.

**Cavett Eaton** – They're trying to do this consecutively so that they're not out of business too long.

**Jaime Topham** – Okay, well.

**Dan England** – There's two drive-ins basically in that building that's right there. You've got a drive-through that comes in across the street and out. Then you've got the another one comes in, goes across the back. There could be two different drive up there. To address one of the comments earlier, it's the tanks that were going to be brought from another property to this one. The city had let them know that this was not zoned for them and he found it in place for over in Tooele. That won't be coming. They are relocating the gas tank just a little bit, that's already on the property and it's not relocated very far there.

**Cavett Eaton** – Can you convey that?

**Jaime Topham** – Okay, so yeah, I'm not sure if you could hear in the back, but you had asked the question about the gas tanks moving from Jay Hill's property. The city had let them know that this piece of property is not zoned for that so they cannot bring those and they found a different location.

**Ann Armstrong** – Good, thank you.

**Jaime Topham** – Okay, wrapping that up. That was actually the only other thing that is going to be a quick conversation, so we're going to return to number four.

**RETURN to #4. Consideration to approve the PUD for Desert Edge subdivision PUD development.**

**Jaime Topham** – Sorry to get you up and then set you down and bring you back up again.

**Jason Boal** – Madam Chair, appreciate your time.

**John Limburg** – Will you bring his slides up again?

**Jason Boal** – So madam Chair. We can bring the slides up again. Is that what you want?

**John Limburg** – Yeah, do you want it?

**Jason Boal** – I can. One of the things that we've discussed internally, we felt like we are in a good dialogue with the work session and if we'd rather continue this to another work session to continue to work through those, we'd be willing to do that.

**Rick Barchers** – I have a quick comment on that. It's my understanding that you guys have been working with staff to try to iron some of this stuff out and I really appreciate that, as opposed to just coming in here and blasting us because We've got some pretty good assets for you guys to work with that everybody understands what everybody wants. I don't have a problem with the work meeting.

**Jaime Topham** – No, that would be fine with us. It's your project, so if you're willing to wait and have more discussion, we're fine to do that as well.

**Jason Boal** – If we can continue it. The next opportunity for a work session in two weeks. Is that two weeks? So 7th of September.

**Jaime Topham** – I think we just need to table this item then and then, the seventh is our next meeting.

**Spencer Connelly** – Just so I'm clear, so can we continue the work session at this time while we're all convening.

**Jaime Topham** – Oh, is that what you're asking?

**Dan England** – You mean later today?

**Jason Boal** – Just talk through the items now. The remaining.

**Jaime Topham** – If you're willing to sit and wait until we are done with other items that are on the agenda, then I would entertain that. Otherwise we just need to come and bring the work meeting on another day.

**Tracye Herrington** – If I may. We've got a pretty good contend here. I think we can make all the decisions in the room. We'd be willing to wait to be the last thing we discuss and we could just work it through if you're okay with it.

**Jaime Topham** – Are you two okay with that?

**John Limburg & Rick Barchers** – Yeah.

**Jaime Topham** – Okay. I guess sit back down again.

## **6. Discussion of PUD for Worthington Ranch**

Barry Gittleman and Stetson Blackmore were present for this item

**Barry Gittleman** – Hello again.

**Jaime Topham** – Hello again. Name for the record.

**Barry Gittleman** – Barry Gilman, CEO of Hamlet Homes.

**Stetson Blackmore** – Stetson Blackmore with Hamlet Homes.

**Barry Gittleman** – So we've been working with city stay since November of last year, about 10 months and we've come before this planning commission I think four or five times during those 10 months. We've had a lot of good discussion on Worthington Ranch. We've gotten feedback from just about everybody on Grantsville City staff, from this planning commission. We've gotten feedback from three to five members on city council and the mayor. We believe we've incorporated all of that feedback into the current plan. When our attorney connected with the city attorney within the past month or two, we finally sorted out, I believe, the process correctly that there are two things that we would need to move forward with the requested changes to the Worthington Ranch plans that are already approved. One thing that we would need is not a rezone to a different classification of zoning, but a PUD overlay on top of the existing RR 2.5 zoning.

The second thing we would need is an amendment to the development agreement that is in place. Those two things, the current zoning and development agreement that are in place are what sets the parameters for the current plan that is approved for 62 homes. We believe that the new plan that we're proposing is substantially better for the city of Grantsville, the future residents of Worthington Ranch and the other citizens who live in Grantsville but not in Worthington Ranch. A change to the development agreement would be approved by the city council, a change to approve a PUD overlay on top of the existing zoning that be approved by this planning commission. We now believe we have the process correct. I think the city attorney has agreed and city staff has agreed that we have the process correct. What we are requesting today from planning commission is approval of a PUD overlay on the existing zoning that would be contingent upon city council at a future date approving an amendment to the development agreement.

That draft development agreement has already been worked out between our attorney and the city attorney to propose the planning commission and city council. We understand that one cannot be done without the other because if the PUD is approved and the new site plan is approved, it would conflict with the existing development agreement and if city council approves a change to the development agreement, it would conflict with the existing plan. Both need to happen, but right now we're just requesting approval or discussion of the PUD overlay. Did I say that right, Dan?



**Dan England** – That sounded correct.

**Cavett Eaton** – Just add one thing that the development agreement must come through planning commission also, so it does come through them and then it has to be finalized through the city council.

**Barry Gittleman** – Right. Okay.

**Jaime Topham** – So Barry, I have a lot of thoughts. I'm pretty sure the last time you were here I said something along the lines of, "I might be okay with 70 total homes," and this is 130 total homes.

**Barry Gittleman** – This current site plan. Yes, that's correct. We are not asking for a specific number of homes today. We are presenting a plan that does have 130. We understand that you shared you would be comfortable potentially more than 62, but not this many. We're just here today to talk about a PUD, which would be an overlay on the existing zoning. If I understand correctly, Cavett, Dan, correct me if I'm wrong, we're not asking for concept plan approval tonight. We're asking for PUD either approval or discussion. Is that right?

**Cavett Eaton** – But you need to define what specifically you're modifying from the ordinances that were already in the books.

**John Limburg** – It definitely wouldn't been an approval

**Jaime Topham** – What are you asking for from what's required by our ordinances? What are you asking to modify?

**Barry Gittleman** – We're asking for, and that I believe is in the staff report, the existing development agreement amendment, which would change the maximum number of lots. The minimum lot size is already previously approved by Planning Commission and city council to be less than the 2.5-acre lot size. That's already approved. It is a greater number of lots than 62 and the existing development agreement requires that the open space be owned and maintained by the HOA. We're requesting that that be removed from the development agreement in a separate discussion so that we can use that open space to build some amenities at our cost, donate those amends to the city of Grantsville and then the remaining open space we can also donate to the city of Grantsville rather than have that be owned and maintained by the HOA.

**John Limburg** – Have we ever decided if the city even wants that?

**Barry Gittleman** – We have met with the director of Parks and Recreation and he did share with us that there are requested additional amenities that the City of Grantsville would like to have. He said not less than 10 acres. He doesn't want to maintain small pocket parks. We're talking about 60 to 80 or 90 acres, so a substantial piece of land and substantial amenities. He said as long as we would design and build those in accordance with the minimum standards that the city requires, then yes, he thinks those would provide amenities to residents that residents have requested.

**Jaime Topham** – Barry, I'm just going to be-

**John Limburg** – Are you saying no, Dan?

**Dan England** – I have not heard that the director has said that. For me, I haven't heard that.

**John Limburg** – I need to go there and look at this, I guess, at some point because all I've heard is that it's a swampland out there.

**Dan England** – There's a lot of clay out there. As they start construction ... I've just recently went through the Geotech reporters out there and said that there is a lot of surface clay out there that they need to take care of. There's two different reports, one back from '07, one more recently.

**John Limburg** – Well, the one that they brought in shows that the wetlands, they're not going to build... The test bits that they dug shows that they're okay to build, where they're going to build, but what I'm talking about is a piece of products they're trying to donate. That's a lot farther.

**Dan England** – Farther to the north side. Yeah, there's a lot of silts that go down pretty deep.

**John Limburg** – Can you even build on it, that the city even want it?

**Dan England** – The Geotech report said you could build on it, but you needed to dig down through the silts to get something more solid and I think it was five or feet.

**Rick Barchers** – I've had a discussion with a couple of the city people and my understanding is they're not interested in it, but unfortunately there's no one here to answer that.

**John Limburg** – Well, I just don't want to saddle the city with a piece of property that they don't even want. Maybe it's not even you guys just keep the property, but I don't the city... Look, I know you're trying to use it as like, "Hey, we're going to give you land," but they don't even want.

**Barry Gittleman** – I mean I'm not going to speak for Dan or Cavett anyone on the city staff. We did meet with parks and recs director and he said that there was-

**Christy Montierth** – If I could just speak for James?

**John Limburg** – Yeah, that would be nice.

**Christy Montierth** – So James, without seeing property would say yes, the city only likes to accept 10-acre parks and that yes, he would want the amenities built to whatever standard, if it's pickleball or other things. He has not looked at this piece of property. This shows a nice green piece. I don't know if that can be achieved there. I would like to speak with him first before I'm sure he said, "Yes, we would accept a park." Are you going to develop that park or are you simply doing the walking trails like you mentioned before? Because I don't believe that I need to go down there myself, this is not a park like you envision with grass. This would be more of salt grass and sagebrush with perhaps some walking trails. But I don't know if I am sure James would've said "Yes, we will accept a 10-acre park" We'll accept amenities if they're built to standard. Do we want to do that in exchange? I don't want to speak for that.

**John Limburg** – Yeah, thank you. That's what I hear.

**Rick Barchers** – Okay, go ahead. I got a few other things and I'm going to get way outside of this whole green open space trade off thing or whatever. That's a different part of this discussion. I would consider that to be the carrot. I would call this a re-UD. It's not a PUD. There's already an agreement on this piece of property. That would mean anybody that's got a PUD can come in later on and say, "Hey, we've decided instead of this big open space, we want to build more houses there. Since you shifted all that density to the other side, then it's okay to have these smaller lots within that zoning area. You should just let us build more housing." I've got a real problem with that. I really, really do. I'm sure that developers' ears everywhere are going, "Yeah, we got a PUD. We can go in and ask for more, I'm in." I got a real problem with that.

**Barry Gittleman** – We're not asking for something for nothing. We're talking about over a million dollars of value in land and amenities that we would do 100% at our expense and then gift at not a penny to the city. We've had several people point out to us that we're asking something for nothing, which is not accurate. I understand what you're saying, that it doesn't make sense for the city to allow any developer to come in here and ask for anything they want.

We're proposing something of significant value to the city. When we met with James, the parks and recs director, I understand he's not here. He got us a copy of the Tooele County amenity study that was done in the past few years with Mayor Critchlow on the board that did that study where three of the amenities that we're proposing. Pickleball courts, pavilion and walking trails are three of the top five amenities that Grantsville citizens and Tooele County residents have said that they want and there's not enough of them. It has been identified by actual county study as one of the top health issues for the county. We're proposing something of value in exchange for something of value to us also, and we're open to discussing if you are open to some additional home sites in exchange for a gift of amenities and land and open space. We're open to discussing what that number might be that you'd be able to.

**Rick Barchers** – Well, as Jaime said earlier, she had talked about the number half that size and now you're coming in saying, "Oh, they're going to give us more. Let's go for this." I mean, that's just what it feels like and it's a re-re-UD agreement. I mean, it's almost like you feel like you've got some momentum here or something. I don't get it.

**Barry Gittleman** – I would say we definitely don't feel like we have momentum after 10 months of zero progress, but many meetings in which we have gotten some limited feedback and we have incorporated 100% of the feedback that we've received. Originally, we had minimum lot size of a quarter acre. This planning commission said not comfortable with that, at least a third acre minimum lot size. We got feedback from three of the five city council members that they feel communities where all of the lot sizes are nearly identical are not beneficial to home buyers in the city. Most people prefer variety, variety of home sizes, variety of lot sizes. Having a range of lot sizes as large as one and a half acres, as small as a third an acre allows people to choose what they want and makes for a better street state, more aesthetically pleasing, some affordable homes, some expensive larger homes some larger lots, a good mix.

**Rick Barchers** – I don't disagree with that. That's not my problem. Shay-

**Jaime Topham** – Can I interject before you go there?

**John Limburg** – Sorry, please do.

**Jaime Topham** – Barry, you've been down this road three or four times. The reality is that you want to undo what you bought and do something different. You are committed to 62 homes. I can't support you doing something different. I've also heard from the city that they've been on and off the fence whether that would be good. You think it's worth a million dollars, but I haven't heard from the city that they think that it's worth a million dollars in amenities. I am not going to support a change. Like he said, I like it. It's re-UD trying to redo what you've already done. There's not anything in your PUD application that even falls in line with what is required of you for a PUD. You're not asking us to do a variance to our code of any kind or there's a different word these days, a variance a modification to our code. You're asking us to undo the agreement that you already entered into, not you personally, but your predecessors who contracted you into this and I can't support that change.

**Barry Gittleman** – I agree with most of what you said with the exception that we're not asking to undo what's in the past. We're asking to improve it, right? We've got option A that is already approved. We feel confident that option B, if you look at the currently existing plan and the proposed plan, as we pointed out in the memo that we put together for the last planning commission meeting, we've got 15 different reasons why the current plan, in our opinion, we acknowledge it's our opinion, is better than the existing approved plan.

We're not saying, "Undo that." Phase one of the existing approved plan has already been developed. Roads are in, we're getting ready to start building houses in phase one. We're not undoing anything. We're taking an existing approved plan and improving it to something that is not slightly, as we've discussed, but substantially better for the city, future homeowners, the tax base of the city, the amenities of the citizens of the entire city of Grantsville, not just the future homeowners. If you've got option A and option B, and option B is better than option A for everybody involved, then why would we not be open to considering the possibility that this is better than what's already approved?

**Jaime Topham** – Here's the problem. You don't have an option A and an option B. You have a plan that was approved by the city. That plan included changing the density from the 2.5 to the one acre lots, clustering it to make it work. It actually didn't allow for any more density than that property ever allowed. You're wanting us to believe that there's an option A and an option B, but there's not. There's the plan. What I'm telling you, I will not support relooking at this.

**Barry Gittleman** – Would that be true, at the last meeting you said you might be open the 70 lots instead of 62.

**Jaime Topham** – I said I might.

**Barry Gittleman** – Right.

**Jaime Topham** – There was lots of consideration with that. And a lot of the consideration is does Grantsville City want this giant piece of property? And I haven't heard consensus and I certainly haven't gotten a report from any of the staff saying, "Yes, emphatically we want that piece of property." You're contracted and that's what I'm going to say this should say. In my mind there's not an A and a B. There's what the contract says.

**Barry Gittleman** – There is what is approved and I'm calling that option A. Option A is already approved and we acknowledge that.

**Jaime Topham** – I understand that. We are not going to spend another hour on semantics of what you believe or what I believe. I've given you my opinion. John?

**John Limburg** – Just so I'm clear on all this, originally it was two and a half acres per lot is what it is.

**Jaime Topham** – Right.

**John Limburg** – Then they got into a development agreement. Is it under a PUD right now?

**Barry Gittleman** – No.

**Jaime Topham** – No.

**John Limburg** – How did they get a PUD?

**Jaime Topham** – well they don't have a PUD.

**John Limburg** – How did they get an agreement to do one acre lots or it was on two and half zoning?

**Jaime Topham** – Because we used to have a conservation easement in the statute. And that's what it was anticipated under. But I don't think that they actually got it under there. They created it under a development agreement instead.

**Barry Gittleman** – That's right.

**Shay Stark** – They took the total number of lots and just shifted it.

**John Limburg** – Yeah, I get what they-

**Barry Gittleman** – Our predecessor, to your question, had 157 acres approximately. It equated to 62 lots at two and a half acres per lot. The predecessor got approval to do smaller lots and concentrate them in the southwest portion of the property. There is not a PUD currently in place, but there is a development agreement that our predecessor signed that is already approved.

**John Limburg** – Gary, were you on the board when that happened?

**Gary Pinkham** – Yes.

**John Limburg** – Can you like shed some light on why they allowed this to happen to begin with?

**Gary Pinkham** – Well, as Jaime mentioned, back when this was going through, there was a conservation easement, conservation subdivision process that addressed property like this that has what we were looking at back then, and the developer back then agreed was basically unbuildable grounds. It's wetlands designation, outdoor sensitive soil issues. At that same time, we were also working with some developers on the idea of clustered subdivisions to go to smaller units, but not more units that could be built in a smaller portion of the project leaving the rest of the open. That's

kind of how we got guys on the hill over here. Northstar Ranch. That's how we got that kind of a layout.

We talked about the same thing with the Miller group down between I think Quirk and Hale. They never went through with it, and these guys. We from P&Z processed it through at 51 lots with conservation easement. When they got the city council, not these guys here, but when their predecessors got the city council, they said, "It's too big of a hassle to do the conservation easement process. Let's settle it aside as open space and transfer the ownership of it to the HOA."

The original master agreement puts up 90 some acres, 94 acres under the ownership of the HOA, not him. What he's asking when he says he's not looking to undo anything, what he wants to do is undo the master agreement, remove the HOA, transfer ownership of that land back to him so he can subdivide it. That's what the crux of this is. If he can do that, then he's going to go down in the flats because now he owns it, he can come back to the city, "This is what I want to do with the land. I'm going to subdivide it." That's my fear. That's the same thing you guys are talking about. What's to keep them, once the HOA is dissolved, he regains ownership. The HOA owns the land. I'm not sure where their representatives are.

**Barry Gittleman** – We are the HOA right now and there are no homeowners. We haven't started building homes yet.

**Gary Pinkham** – Well, ultimately that will be the case. That will be an HOA owned by the homeowners because that's what the development agreement requires.

**Barry Gittleman** – Right now that's correct.

**Jaime Topham** – So Gary, can I just stop you there? Thank you for the background information. I think that answered your question.

**John Limburg** – It does. I guess what I'm having a hard time, I understand that we're trying to go, "Hey, you made an agreement. You bought up this property with on it." If this came to us right now with this, would you guys reject it? Why?

**Rick Barchers** – Why? Because it's zoned at two and a half acres initially. Based upon its zoning, I would.

**John Limburg** – So I think that's the other thing I'm look at. There's not a lot of people that can afford two and a half acre lots. Since this happened, home values have doubled. I'm not fighting you guys on this. I want to know that we're saying no, not just out of principle, but it makes sense.

**Rick Barchers** – I'm saying no because it opens a door that I don't want to see opened.

**John Limburg** – I get that we don't want to be redoing development agreements and.

**Jaime Topham** – It opens his development agreement, not just this.

**John Limburg** – Well what Gary just said scares me more than anything so far is that it's going to dissolve the HOA.

**Jaime Topham** – Right. And that's the intention.

**Barry Gittleman** – To be clear, we are not requesting to dissolve the HOA. We absolutely intend to keep the HOA. We met with three of the five city council members who said that they have the opinion and most of the Grantsville residents we've spoken with also have the opinion that people in Grantsville like their personal rights and don't like being told what to do. By nature, they're okay with it to maintain property values and to maintain minimum architectural and meet appearance standards. But they don't want a big HOA with high monthly HOA dues and lots of obligations to the HOA. The city council members we met with recommended that the HOA continue to exist.

**Mayor Critchlow** – Excuse me. What was the city council members that said that?

**Barry Gittleman** – Mayor. We met individually with Jolene and Darrin and Jeff who shared that they think that getting rid of an HOA would be a mistake. They think an HOA should exist to maintain architectural controls and meet community appearance, and getting rid of it would be a mistake. We're not requesting that. They also think that homeowners don't want an HOA with one or \$200 a month due that controls every little detail about what they can and can't do in their neighborhood, on their property. That was the discussion that we had.

Our request would be that we not have an HOA with high dues and big obligations and responsibilities, but it exists for architectural controls to keep all the homes in the neighborhood looking great, and meet appearance, and maintain high property values that should continue to exist. We also feel like future residents probably don't want to maintain a vacant field that's of no benefit to them. If that could be used to build amenities and then give them to the city, that would be a better benefit for all the citizens and the future owners. We're not requesting to get rid of it and we would absolutely be willing to put that in writing in a new, if anyone's open, to an amended development agreement.

**Jaime Topham** – So what you just said about the citizens of this HOA community wouldn't want a big open empty lot. Why would the HOA improve that for their citizens?

**Barry Gittleman** – If the HOA does it, then it's only a benefit to the future homeowners. It's not a benefit to all of the citizens of Grantsville.

**Jaime Topham** – But would the HOA improve that?

**Barry Gittleman** – Not likely, but potentially.

**Jaime Topham** – Okay.

**Barry Gittleman** – Because if the cost of building half a million dollars worth of amenities is spread over 62 homeowners, that's a lot of money for those 62 homeowners. If it's done across a larger number of lots, it's a lower expense and the benefit can be for all 13,000 citizens of Grantsville, not just 62 homeowners. It could be a more significant benefit.

**Jaime Topham** – Anything else John?

**John Limburg** – No. So, you're just essentially asking what's our appetite for allowing you to do a PUD? Correct?

**Barry Gittleman** – Yeah. Essentially two questions, right? Is the planning commission open to considering a PUD that would be contingent upon city council eventually approving an amendment to the development agreement after it goes through this body? And if so, do you have a number in mind that is less than 130, but more than 62 that you feel would be a fair balance between a few extra homes that allows for the expense that would be a hundred percent our expense and a benefit to the city? Those are our two questions.

**Jaime Topham** – I've already gave you my answer.

**Barry Gittleman** – So your answer is absolutely no.

**Jaime Topham** – Absolutely no.

**Barry Gittleman** – Like one extra home for a million dollars' worth of amenities is a no?

**Jaime Topham** – Sure, you're going to do one extra home? If that were the case, you would've brought me a plan that had 72 homes on it.

**Barry Gittleman** – Or 63.

**Jaime Topham** – If you really took what I said and really listened to what I said the last time we were here, you would've brought us a plan that said 72 homes, not 130. And I noticed that this plan even encroaches into that green area even more than the last plan you brought us.

**Barry Gittleman** – We've had, to be honest, about 15 different versions of this plan. We've met with you and staff and tried to get specific input as to what would work and what wouldn't work. The only real specific feedback that we've gotten is quarter acre lots are too small, make them third acre minimum, which we have absolutely done. If there is any number that you would be open to in exchange for the donation of amenities and land, we would appreciate that feedback.

**John Limburg** – So the development agreement as it stands right now, the minimum lot size is one acre. Is that right?

**Barry Gittleman** – There is no minimum lot size right now, but the average lot size over the entire property is about a two-and-a-half-acre lot. And if you look at the average lot size, excluding the open space, it's between three quarters of an acre and one acre. I think it's about 0.9 right now.

**Jaime Topham** – It's only a discussion tonight.

**John Limburg** – Yeah. Okay.

**Jaime Topham** – Do you have information for them? Otherwise we got to wrap up.

**John Limburg** – It's just hard for me because I think that if you came to us or me with this plan without all the other crap that I would be okay with it, but it is zoned two and a half acres. I don't know if we got to look at that on some future stuff because I don't know how we're going to keep zones that have two and a half acre minimums. It's going to be hard.



**Rick Barchers** – I understand what you're saying there. I got no problem with what you're saying. I really don't. And that's-

**John Limburg** – But also what you guys are saying that if we open the door to change in development agreements, where does it stop.

**Brett Coombs** – Can I speak to that briefly?

**Jaime Topham** – Yeah.

**Brett Coombs** – So in your next meeting, we will have the proposed changes to the development agreement. As you know, development agreements have to come through planning commission before it can go to city council. Those proposed changes will come before this body, and then this body would then recommend for or against those changes. Ultimately, it'll go before the city council regardless, whether you recommend approval or not. It may be helpful if you were to wait for the city council to make its determination. If it ultimately amends the development agreement and is going to allow more homes and is going to say that they want that open space, then it seems to me that it's going to be worthwhile for these gentlemen to come before this body to seek this PUD to try to make it work because the city has said, "That's what we want." But the city council is the only body, is the only group, the only entity that can make that determination.

**John Limburg** – So I guess the information for us would be does the want it, does the city really want the property, and is the city council going to approve it? I think you're still going to have to talk to them into it. But yeah, does that help?

**Barry Gittleman** – It does help a little bit. I guess I still have the question in mind about is there any number that you would be open to.

**Rick Barchers** – Personally, no. That's just me. Maybe these guys-

**Jaime Topham** – One hinges on the other. That's the whole thing that you want to just glean over is you just want to say, "I want to know what density you'll accept." But I'm not willing to say I'm going to accept any type of density change until I know that the city wants this giant piece of property. The city didn't originally want the giant piece of property. That's why it said we'll do a conservation easement and put it in an HOA. So, no, I can't give you a number.

**Barry Gittleman** – Your point about wanting to know whether or not the city wants the land is absolutely valid. We have met with the parks and rec for the record.

**Jaime Topham** – I heard you say-

**Barry Gittleman** – I understand he's not here. So, we can get a written report from him to share his opinion. We can ask for that.

**Jaime Topham** – This is only one step on two steps. So, you also have to get the development agreement amended. And I am going lean on what our attorney just said that it would make more sense if the city council, who has the vested right to make the change, decides that yes, they want to make the change to your development agreement. Then we have a conversation about what that looks like.

**Barry Gittleman** – Isn't that going to go before the city council? The development agreement has to go before this body first before it goes to city council. They're going to want to know what your recommendation is before they make their decision. My concern is I don't want the planning commission and the city council to both say, 'We're not going to say yes unless the other guys say yes first.' Then nobody says yes even though it's in the best interest of everyone involved, which would be an unfortunate outcome. The one other comment I would make related to whether or not the city wants the land is I believe there is a future land use plan for the city that does show the extension of the parkway going through that open space. Is that correct?

**Dan England** – Yep.

**Barry Gittleman** – So there is some need totally separate from the amenities which we'll follow up on for some of that land in the future for city use.

**Jaime Topham** – Okay. Thanks for your time.

**Barry Gittleman** – Thank you.

**Jaime Topham** – I'm going to wrap that one up.

## **7. Discussion of Extension of Preliminary Plat Approval**

Brett Coombs & Barry Bunderson presented this item

**Brett Coombs** – Yeah. So, I don't want to take up a ton of your time tonight, just to present this and get your thoughts on direction of this. We have, meaning the city, has been contacted by a couple different developers who are faced with a difficult situation in that they come before this body, city council, have gotten a preliminary plat approval. There is a certain timeline in our code of when they have to move that preliminary into final.

As you know, construction is slowing down quite a bit and we have developers that are starting to struggle with being able to sell some homes. What they're hoping is that this body would consider granting an opportunity for them to come forward and extend their preliminary plat a little bit more than what we have under code now.

The way the code is written right now is a preliminary plat has to be moved to final within six months. There is permitted beyond that two to three-month extensions based on the needs of the community and the developer. I think that the developers would request another 12 months beyond that if possible. So that's kind of where I'm bringing this forward for you guys to start thinking about. I know that we do have... Let's see. Oh, Barry, are you able to talk on that?

**Barry Bunderson** – Sure

**Brett Coombs** – Okay. Yeah, we did ask a couple of representatives from the developers groups to come and just talk about that briefly and what it is their concerns are, if that's okay.

**Jaime Topham** – Sure. Come on up, Barry.

**Barry Bunderson** – Barry Bunderson, Civil Projects. In one particular case for the Harvest Meadow subdivision and this owner is here, we actually gained a final plat approval back in May, on May 4th of this year. The standard process is then, before you can go to a construction, pre-construction meeting that you need to have a development agreement. Maybe some of that has changed in the process, but the development agreement in this case didn't ever come to us until a month and a half, two months later from the city, which may be understandable. There may have been a lot of things going on. Revisions to development agreements probably got bogged down internally in the city's offices. In this particular case, there were some specifics about that development agreement that needed to be defined, we thought. So, we kicked it back. It didn't come back again until end of September. For the owner to understand what are my timelines, did it start in May or did it never get final approval because the development agreement wasn't ever finished and signed and approved?

We asked city staff Braydee and she probably just said, “Well, here's what the code says. It's one year from approval.” Looks like it was, according to the meeting minutes, back in May. So, representing them, they feel like there was some undue time that they didn't have any control over just because of the circumstances. They would seek an extension of their final plat approval so they don't have to start all over again. I mean these lots are ready to go, a plan is signed, everything's ready. It's just then at that time, Marco was really cooled off so they didn't move forward with construction.

There are things in the code says the one-year time period is to make substantial completion of the construction. They haven't even started. And there are other cases where that I'm involved with personally where yeah, it's a preliminary plat has expired or is about to expire because of the cooling of the market. They haven't moved forward. Is there anything appropriate to do? Yeah.

**Rick Barchers** – I've just got some preliminary thoughts on it. We have sunsets for a reason, laws change, codes change, et cetera. I would be more in favor of an accelerated reapplication process than I would be just extending people and extending people. I mean, what if the market's bad for the next 10 years? You see what I'm saying? So, I am with what you're saying, but I think a middle ground between just saying no to something like that and perhaps something that is an alternative might be better.

**Barry Bunderson** – Well, let me just bring up the code does allow for extensions.

**Rick Barchers** – Sure.

**Barry Bunderson** – On final plat I think there's six-month extensions I mentioned. You could have up to two. We're not saying to make this open-ended. We're just saying that some of the responsibility of the delay is partially the market. Some of it has been delays that are not controlled by the developer, just the city process and getting the development agreements out and back. Some of that may be perceived as unfair, just the timeline. I'm actually here specifically for that one, if there's anything that we can do about that specific project. And I don't know if it needs to go before this body or not, but it's final thought.

**Rick Barchers** – Anyway, myself, I'm hoping to six months, but I don't know. I'm not that familiar with the process. So I mean, I'm just afraid of getting into a re-PUD situation almost. Do we keep applying, applying, applying? Where does it stop? Because Like I said, I'm just not that familiar

with the process to, be honest with you. So well in this case we're asking for what's in the code already. We just want an extension.

**Jaime Topham** – I think there's a process for that isn't there for them to apply for that extension? That doesn't necessarily have to come through us. Brett?

**Brett Coombs** – I believe that it is, I'm pulling it up right now. Give me one second. I can't remember if that is request to staff or to this body. Haven't had anybody ask before.

**John Limburg** – I guess I'm not even clear on this, what Brett's asking or saying we should do and what you're asking for an extension, which we're already saying is in the code.

**Barry Bunderson** – So there is an allowance for that. It probably-

**John Limburg** – Does the city not allow that right now, already?

**Jaime Topham** – I think what Brett's saying is that we already allowed two, but do we need consider amending our code to allow additional or a process for if you can't get it done with your two extensions, do we allow them to cost for additional?

**Brett Coombs** – And I want to be clear, so I was talking about preliminary plat extensions. The way that our code is written is you have six months plus two six-month extension. Those extensions are granted by the planning commission.

**Jaime Topham** – And that's for preliminary.

**Brett Coombs** – That's for preliminary.

**Jaime Topham** – What about the final?

**Brett Coombs** – For final, all we have in the code is that they have 365 days. There is no extension process.

**John Limburg** – So you guys are talking about two different things.

**Barry Bunderson** – Perhaps. But I'm here, I came tonight, not necessarily talking in general terms.

**John Limburg** – You're talking about the final.

**Barry Bunderson** – Yes.

**Jaime Topham** – We have to stick with general terms not on the agenda otherwise.

**Barry Bunderson** – Okay.

**Jaime Topham** – So thank you for the information and it's something that we need to talk more about.

**Brett Coombs** – What I would recommend is that we can consider extension of times or if you want to grant longer extensions in the preliminary plat process. But at the same time, if you want to grant an extension process for final plat, you could do that at the same time.

**Jaime Topham** – Okay. So maybe we should look at that and consider that. Maybe answering the question of, well, when does their timeline start if they are not permitted to move forward without the development agreement and development agreement hasn't been signed.

**Brett Coombs** – So the way the code is written is it says that-

**Barry Bunderson** – From time of approval.

**Brett Coombs** – It says that it's from the date of approval is the way that I'm reading it.

**Jaime Topham** – Right. Maybe we need to look at how that's defined or has the process changed with the development agreement is signed before final plat?

**Brett Coombs** – Since this particular code was created, yes.

**Jaime Topham** – Okay.

**Brett Coombs** – So where the development agreement comes in, the process comes at the end. When this was created that wasn't contemplated.

**John Limburg** – So it makes sense to make it from the end of the development agreement.

**Brett Coombs** – Yeah, I think it does too.

**John Limburg** – Okay. That makes sense. That's an easy fix. Seems like that would've helped you in this case.

**Gary Pinkham** – Whichever comes later. The final drawing approval or the development agreement, whichever comes later. Because as Barry's saying, if we take six months to draft a development agreement, his contractor can't start and that's their problem is the city's, because we shouldn't be counting days on.

**Jaime Topham** – Yeah, I got that. Okay. So, if you want to prepare for something for us for soon future hearing.

**John Limburg** – It would be good to add verbiage in there for an extension too, right? So we have that in there.

**Jaime Topham** – Yeah, for final plat. They're not going to be the only ones.

**Rick Barchers** – Yeah, yeah. And I would really like to see something to just kind of look at it before we're even in here if we could. That would be great.

**John Limburg** – So Brett, let me ask you just one more question really quick. You're bringing this to us. I don't even remember. Maybe doing a preliminary plat extension.

**Brett Coombs** – I don't know that you've done one since you sat on this body. Jaime's probably the only one that would've. We had a few, probably three or four years ago.

**Jaime Topham** – It has been a bit.

**John Limburg** – So it's not something that's hanging us up right now, but we already have it or we can do two.

**Jaime Topham** – It sounds like it's going to be hanging us up where we have a couple of developments already that are having some issues, so we can't just put it on the back burner.

**Barry Bunderson** – Thank you.

**Jaime Topham** – Thanks for your time, Barry. Anything else on that, Brett?

**Brett Coombs** – No, nothing.

**Jaime Topham** – Okay. Closing agenda item number seven. We're going to return yet again to item number four

#### **4. Consideration to approve PUD Edge subdivision PUD development, which has now changed actually to the continuation of our work meeting. Correct?**

**Jason Boal** – If that is amenable.

**Jaime Topham** – Getting a head shake back there. So that's what I'm going with. This is a work meeting, continuation of the work meeting. We're not considering anything in this today. All right.

So, where we were at, sorry, you got to get back to the right development.

**Rick Barchers** – I have a question for Brett.

**Brett Coombs** – Yes, sir.

**Rick Barchers** – I think I've asked this before, I just need a refresher on this. In what is being called the development agreement currently, where are we obligated as a city, where are we obligated to density at all cost of any... I mean, are we obligated to do that? Throw all everything out the window, we have to allow 750 or does it still have to abide by any sort of code, code at the time, current code? Do you remember? In that contract?

**Brett Coombs** – They are granted a density up to 750 and you've still got to abide by, they can't overrule public safety to get to 750. I mean, we as a city can't do that. But if it can work under our code, under public safety guidelines, and they can put in 750, then that's the density that they're granted up to. It has to fit under the laws that are in place.

**Rick Barchers** – Most of our code is written around safety. Like you're talking about more or less parking, street width, et cetera, access setbacks to a point., to a point.

**Brett Coombs** – Yeah, but you were asking do we have to just disregard all of our code, all of our laws to let them get up to 750? No. They are required to come in under our processes and show how they can get to 750. And the way they're doing that is by requesting a PUD.

**Jaime Topham** – So, for example, you could easily put 750 townhomes within our code without picking any variances, right?

**Jason Boal** – As we looked at the options, yeah, I mean we could reduce, but as we talked-

**Jaime Topham** – Not could. Don't take it farther than I said it. I get what you're saying though.

**Rick Barchers** – I'm not saying I want that either.

**Jaime Topham** – Well, they could do that. They could accomplish that. They could get their maximum density without modifying any of our codes with everything in townhomes. They don't want to do that. They want to offer variety. So, they're coming in with smaller lots and asking for variances.

**Rick Barchers** – Part of the reason that I'm saying that is-

**Jaime Topham** – Hold on, let him answer the question.

**Jason Boal** – So Madam Chair, I mean, I think that that's kind of Right. So, we are utilizing city code, which permits PUDs to ask for deviations. So, we're not asking you to create a new mechanism, we're not asking you to create something that's never been done. We're asking you to look at the code with us and go through and we're asking for 10 tweaks.

Staff had provided, I think there were 42 pages as they did their review of different code sections. Of those 42 pages, there's 10 things that we've identified and actually we've whittled that down. We feel that we've really taken to heart the code and the intent of the code. And even what we've heard here tonight is that there's been modifications recently in the code that actually what we're proposing does align with. Yes, we are asking for deviations in the code, however that's permitted by the code. We're still within the code and that's why we're here is to talk through those deviations and to find a resolution to those.

**Jaime Topham** – Go ahead.

**Rick Barchers** – No. Part of the reason that I ask is I know that members of the public are listening. And I think we have a couple of city council hopefuls in the room tonight. And I want people who are listening to understand that what we're trying to do is honor the city's prior agreement and get a best outcome for everybody. Honestly, if you hadn't had that 750-density designation, this just wouldn't happen. I'm not throwing that at you like, "You're just bad for having that," or anything like that. Does that make sense?

**Jason Boal** – Yeah, no, it totally does. And that's what I mean. Craig, in his introduction, he talked about the alternative. The alternative isn't zero. We have an agreement, but I mean, that's why we're

here with every intent of working through these issues and talking through these items to find consensus.

**Jaime Topham** – So, on the screen, you have the PUD request number seven, and I think that's where we were going for sure. So, our code says 16 or 24 multifamily dwelling units. Why are you asking 30?

**Matt Christensen** – As part of the international fire code, we are allowed 30 units on a single access street. And in order to get the number of units that we can have, we are requesting to put 30 units on this cul-de-sac and deviate from the code and follow the international fire code.

**Lanise Thompson** – Matt, can you use the mic?

**Jason Boal** – Sure. I'm going to go back to the overall site line here. So, I think that the context of where this is located is also important.

**Jaime Topham** – This is for that one thing. One little...

**Jason Boal** – Yep. The one little cul-de-sac off to the left, which has open space behind it and then the commercial area below. Ultimately, could roads be designed to have through roads? They'd have to tie into the commercial, and ultimately, that does not seem like a desirable outcome for commercial development or for residential development. In order to, again, to get the density in this unique location that's adjacent to the commercial and the open space, that's why this proposal's being asked.

**Jaime Topham** – Why are you putting those there instead of maybe moving the park over to that area?

**Matt Christensen** – Having the park even more central is better and just allows for better access to the park instead of shoving it in the corner.

**Jason Boal** – Talking through that, in order to access the park, all of the residents would have to cross that main street, which that's not just a local road. I mean, the master plan, that's a large road. To make the park more accessible and usable and to tie into the open space and going back to the original point we talked about with the setbacks and the open space that's all throughout this project, where's going to be the sidewalks and trails. In order for that to be as easily accessible as possible, that's a more appropriate location than putting it next to the commercial.

**Matt Christensen** – And from an engineering standpoint, with that arterial road being through there, it actually would be an increased public safety risk to flip the park to the other side because then you have all the residents having to cross arterial road to get to the park. No way do we want to do that. And with that piece sliver the way it is, there's no real other engineering way to do it and tie roads through there. That piece is stuck on that side of the arterial with providing those 24 units, like I said, or 16 rather. But 24 multifamily. So, putting single family there, it's not as big of a stretch from, if we were to, he said, if we were to throw a bunch of towns over there, it would be 24 off the single access. So, I don't think it's that big of a stretch from... Based on just the difficulty of this specific location engineering wise, safety wise, I think this is the best alternative.

**Jaime Topham** – Fire Marshall, how do you feel about the 30 on the one lane?



**Jason Smith** – I'm fine with what's in the IFC, so I mean, if that's what it says in it, then I'm comfortable with that.

**Jaime Topham** – Okay. So, taking us away from that just really quickly. You mentioned this trail system. Where is the trail system? You also mentioned a lot of open space, green space, but the drawing you provided us is very difficult to see any detail.

**Jason Boal** – And I agree. We really have set up our slide deck in order to talk about these 10 exceptions as opposed to everything. I don't know, you guys want to come up?

**Jaime Topham** – But, that was one of the benefits, if you will, was listed. I would want to know what you're talking about.

**Jason Boal** – You're absolutely right.

**Matt Christensen** – We have open space here. And in the town homes, there is connectivity in all of the open space for the units. This is power corridor that runs along the north side of our project. And there, we are adding a trail system that weaves in and along that corridor. We have open space under that corridor that allows us to do that. Our trail system, someone can walk from one end of the subdivision to the five-acre park.

**Jaime Topham** – How wide is that trail?

**Spencer Connelly** – We thought it was eight feet. Our normal, Matt stepped in to help, but I believe now we're making it 12 feet for some reason is what we talked about in the last meeting.

**Christy Montierth** – Is that HOA maintained or city maintained?

**Spencer Connelly** – I believe that was HOA.

**Jason Boal** – HOA maintained.

**Rick Barchers** – There's no access to those trails.

**Matt Christensen** – Really, you can get, there are access points from there, there, there, and they all go through there. But, it is long. It's 5,000, it's a little over a mile. It's 5,600 literal feet.

**Rick Barchers** – Get your steps in.

**Matt Christensen** – Yeah, get your steps in. Worthington Ranch across the street, it'll be similar if you've been by Worthington Ranch recently. It's about three-inch-thick asphalt, roughly 10 feet wide.

**Ben Duzett** – You can see, also, there's open space along this arterial as well. So, like you say, getting your steps in. People got to loop as many times as they want on that trail or run for miles, I guess.

**Rick Barchers** – I'm looking at the folks in the center there, though. They don't have a lot of access to that without just basically walking in the street. Or are there are going to be sidewalks?

**Jason Boal** – There are sidewalks. So, not only is there this trail system cutting through those open spaces, but there's also the sidewalks along each of those public streets.

**Rick Barchers** – Where's the bus stop? I think it's a fair question, honestly.

**Jason Boal** – I mean, if transit was to be provided out here, we do have that major arterial in that park area. It would be very easy to put a pull-out along that.

**Rick Barchers** – I'm thinking more school bus if that makes sense.

**Jason Boal** – With the school bus? Yeah. I mean, well, all of those are public are public streets. I mean, anywhere in there, as it comes through, quite honestly... I mean, I don't know how your bus programs or how your school programs bus stops. Going north to south, they could make one stop at each end and pick up all the kids.

**Matt Christensen** – One thing is they plan garbage truck routes, school bus routes. It's normally trying to make these double turns. And this layout does precisely that. I mean, you can come in, go down this main public, main public get out. There's not any need for a school bus to turn around. And so, through this main arterial and kids coming to that main from Aldi, it's pretty well-designed for school buses and for garbage truck routes.

**Rick Barchers** – Okay. Sorry, I wasn't trying to get off the main subject. Sorry.

**John Limburg** – We're still on the cul-de-sac, right? Is that your question?

**Jaime Topham** – Well, we moved off it, but we can go right back to it. Back to the cul-de-sac, number seven.

**John Limburg** – Do you guys have a problem with it if fire marshal's okay with it?

**Jaime Topham** – Fire marshal's fine with it. Dan?

**Dan England** – I don't like the small lots, but the access on it's difficult. But, as far as since the length of the road is not a problem, the number of lots has already been approved, I think by the size of the lots, and that just brings it to where they can.... So, I have no objection to the number of lots based off the size of lots.

**Jaime Topham** – And these are the 50-foot wide lots? In the cul-de-sac? Again, your map is really hard to see because I can't, whenever I zoom in, it just gets blurry.

**Dan England** – Yeah, those are 40 lots.

**Jaime Topham** – So, on our... Oh, okay. Yeah, 40-foot lots. No, it doesn't matter. That's not going to help. It's digitized. I have good eyesight. I can't un-pixelate.

So, what about parking? If they're only 40-foot wide lots, somebody comes over, is there going to be sufficient parking? If not, what happens on a cul-de-sac all the time is you've got people parking like this or like this. Nobody knows how to park on a cul-de-sac, and now you've got 30 of them crammed on there.

**Michael House** – That's nation-wide, just in case you're wondering.

**Jaime Topham** – Oh, I'm aware.

**Jason Boal** – I think there's two pieces of that. One is the setbacks when providing the garage, the garage space and the driveway space. But, then also, we have taken that into account. So, one of the driveway spacing is one of the exceptions, and I think this is probably a good lead into that conversation. So, the intent is to, and the design here is to lay out the driveways so that there is a parking space in front of each of the homes that would not be encumbered by the driveway. So, in essence, they'd have the two spots in the garage, two spots in the driveway, and then at least one spot in the public road for each of the lots. So, we're talking five spots for each home.

**Rick Barchers** – I'm looking at that cul-de-sac honestly.

**Jaime Topham** – Yeah, I wish you'd drawn that out.

**Rick Barchers** – I am looking at the number of units in there. One of those guys is going to own a fifth wheel.

**Mayor Critchlow** – We have a law that no one can park a trailer on it.

**Rick Barchers** – Yeah, I know. I'm just saying, so parking's kind of a big thing. I get it. I'm just throwing that out there. That's all.

**John Limburg** – What were you saying mayor?

**Mayor Critchlow** – There's an ordinance that you can't park a trailer out on the road.

**John Limburg** – Yeah, because we've got two trailers that are being parked on Main Street right now that are connected to trucks all the time. I guess you, I'm sure you know. Yeah, that's...

**Jaime Topham** – So, as part of your HOA, do you have a part of the HOA is what to do with all these RVs that everyone has because, you're not going to park an RV on any of these lots?

**Michael House** – I think that's a valid point, but also, we're bringing affordability to Grantsville for first-time home buyers is what we're aiming for. And I mean, yeah, I have RV parking at my house. I have a half-acre lot, but that's because that's what I was looking for, and that's what I needed. I don't know. I mean, do you have an RV?

**Jaime Topham** – I don't have an RV, but I have four horse trailers.

**Michael House** – So, would you look for this house with four horse trailers?

**Jaime Topham** – I would never look for this house if I want to live in a shoebox, to be honest, to be completely honest. I like space. But, there are people that have toys that buy a little house because they don't want to be house poor, but they got every toy you've ever thought of. Do your CCNRs control that? Does your homeowners' association control whether they can park these things and where they park them? Here's the other experience in Grantsville. Nobody actually parks their vehicles in the garage. That's storage. They park their vehicles in the driveway, so now they have nowhere for their guests to park because all their vehicles are in the driveway.

**Tracye Harrington** – If I may, with regard to the HOA. So, we would never implement any kind of CCNRs that would conflict with any city requirements for no RV parking on the street. So, if there was a demand for that, we would consider putting in there an allowance for it, whether it's in the driveway, somewhere where it wouldn't be in violation of some sort of city code. However, we just don't really anticipate much demand. Our customer, LGI operates in 21 states nationwide. This is a product variation mix that we do in a lot of places, and we don't tend to find that our customers have a lot of RVs. I mean, they have some toys, but they parked in the garage, and RVs can't fit in the garage. We would have some allowance in it for a driveway. But, that hasn't been our experience where people looking to buy a home on a 40-foot or a 50-foot lot have those.

**John Limburg** – How many subdivisions have you guys done in Utah?

**Tracye Harrington** – We currently own four projects in the state of Utah.

**John Limburg** – Have you finished them?

**Tracye Harrington** – We have two that are finishing right now. We have one that's about to start selling in Eagle Mountain, actually, this weekend.

**Jaime Topham** – Where's your finished ones?

**Tracye Harrington** – That's it, Eagle Mountain. We've been a property owner in the state for the last three years, and we've finished development in Eagle Mountain. We're literally about to... We have six or eight homes completed now. We've got about 25 under construction, and we're starting sales next week. We have in Santaquin, right? Santaquin is another project where we're under construction, and we've done all the development. We're about to start selling in there later this year. But, we're overall, LGI homes as a company has owned property in Utah. We've got four positions for the last three years. The development cycle is such that we're just now getting to selling.

**John Limburg** – I think this RV thing's a real issue, and it is here in Grantsville already. There's every third or fourth home, somebody owns a fifth wheel there. They truly do. There's a subdivision right over here that I keep complaining about that's got a triple axle. I mean, it's a small home. I'm driving by going, "They bought that home, and then they bought that thing." They park it out on the other side of the road of the subdivision on the half of the road that we didn't make them build. Somebody else parks their trailers and everything else out there. But, that's something that just bugs me, and if this turns into that, that's what we're trying not to do. I can tell you the people that do buy homes here will buy RVs. They will.

**Tracye Harrington** – So, what would you propose that we do in that case? I mean, how would we...

**John Limburg** – Well, we can point them to the lady that just got her RV storage approved tonight, I guess.

**Jaime Topham** – That's what I was going to say.

**John Limburg** – I would like to see before I approve, I know you can't make the CCNRs before you build here, but that's got to be a major thing. They cannot put RVs in here if we approve is or anything approaching this.

**Jaime Topham** – Overlake actually has something in theirs and enforces it.

**Jason Boal** – Has that been successful?

**Jaime Topham** – Oh, yeah.

**Tracye Harrington** – I mean, we've already talked about HOA parking with the town homes and having to have some requirements there. So, I mean, whoever we hire as an HOA management company, we're going to expect them to enforce the covenants regardless of what it is, whether it's on the town home section, if it's on section, the detached section as it relates to RVs. I mean, we're happy to put anything in the CCNRs that you guys would be comfortable with.

**John Limburg** – HOAs have a ton of controls. They have more control than I think a lot of people think. They can really, really...

**Tracye Harrington** – Yes. I agree.

**John Limburg** – I live in an HOA right now, and they send out the letters, and I see people out their mowing weeds down the next day. It's not going to happen. The city can't get them to do it, but an HOA can. So, for me, and I think this is a really, really valid point with the RVs, it's got to be something in there because it will turn into that, I promise you. They'll park it in the front yard.

**Jason Boal** – So, a CCNR for...

**Tracye Harrington** – To restrict RVs.

**Jaime Topham** – Too many voices. Let's try and...

**Matt Christensen** – Realistically, with where our project is geographically, it's close to RV parking is my understanding. I mean, you guys are local, so you probably know better, but where Old Lincoln Highway comes out on the north side and intersects with 138.

**John Limburg** – Yeah, the place that's selling the Conexes out there already has some RV storage too.

**Matt Christensen** – Yeah, so there's RV storage next door.

**Brett Coombs** – One thing I would point out, though, is there is nothing in our code that requires them to have RV storage, RV parking. We don't have a single ordinance that requires that.

**John Limburg** – But, if we're going to approve PUD I think we can say that.

**Brett Coombs** – Yes, you can. I just want to make sure that that's clear. There's been too many times where I feel like we've focused too much on that. If we want to have that as a requirement in the city, we should consider getting an ordinance.

**Rick Barchers** – I agree. But, sorry, to Brett's point, and to Gary who's probably sitting back there biting his tongue, a lot of the parking ordinances and lot widths, et cetera, we have come up with to address having an RV. But, I'm not saying it's a big holdup or anything. I'm just saying that's something that, I mean, it's big on our minds. Go ahead.

**Jaime Topham** – I'm sorry. Fire Marshal?

**Jason Smith** – I don't mean to backtrack everybody, but on this cul-de-sac, and talking with Gary for a little bit, I know that they have the number allotted in the IFC. So, for you guys to think about, we are a volunteer fire department. Our response times are going to be anywhere from five to eight minutes behind what a full-time fire department is. With these houses being 10 feet apart, you're going to have exposure problems from houses next door where we're just going to be slower because we have to go to the station to get our equipment and then go to the scene. If they're asking for encroachments on window wells and AC units, we have to do all of our roof work off of ladders. We're not going to have anywhere to put a ladder between those houses, and we're going to be hard-pressed to get a hose between that house.

**Tracye Harrington** – Fire Marshal, may I? If we were to sprinkle all of those houses on that, would this become a...

**Jason Smith** – You guys would be some of my favorite people I ever met. I'm just saying. I've fought fires in buildings with sprinkler systems, and I fought fires without them, and they make all the difference in the world.

**Tracye Harrington** – We could make that concession here today. That's no problem.

**Jason Smith** – I'd be ecstatic with that.

**Rick Barchers** – You talking about just that cul-de-sac?

**Tracye Harrington** – Yeah. Just to address the cul-de-sac. Obviously, we can't sprinkle everything, but...

**Jaime Topham** – You were shaking your head about...

**Jason Boal** – Yeah.

**Jaime Topham** – Oh, probably window wells and encroachments.

**Jason Boal** – Oh, yes. So, the intent, going back to the setbacks, we do have the PUE, which takes up, takes up that setback. What you typically see is an encroachment in a setback is different than the PUE setback that we're proposing. So, I think that's talking about those mitigation things where,

typically, you have encroachments in the setbacks. We're talking about PUE encumbering that whole setback. So, the encroachments are different.

**Jaime Topham** – So, there won't be encroachments into the...

**Jason Boal** – Correct.

**Jaime Topham** – Okay.

**Jason Boal** – Yep. The other thing, I just want to double check real quick. It was the CCNRs, you said, that restricted parking, the RVs. It was Overlake?

**Jaime Topham** – I think it is Overlake. Yeah, Overlake I know has something about RV's and storage, and they're pretty strict.

**Jason Boal** – Okay, excellent. We did skip over item number three as we were going through setbacks. I think it's applicable here with the lot frontage question. With the lot frontage, as the code requires 50 feet for lot frontage, we are proposing requesting 30 feet lot frontage at the frontage and then 40 feet at the setback.

**Jaime Topham** – On all of them? On all of your single-family homes?

**John Limburg** – Just on the cul-de-sac?

**Jaime Topham** – Just on the cul-de-sac.

**Jason Boal** – So, on the cul-de-sac, it would be, correct, 30 feet at the street, at the right of way, and then 40 feet at the setback. The other ones would be 40 feet.

**Dan England** – I think that might also come up in the knuckles on some of the corners too.

**John Limburg** – Yeah. You alright with this, Gary?

**Gary Pinkham** – The only thing that concerns me is the pie shape of that. By the time you get out to the curb line, that frontage on that, the effective length of frontage is probably not wide enough to get a driveway on. Certainly not wide enough to have any parking or anything else there because the pie shape of it is going to make that 30 feet probably 20.

**Jason Boal** – It's 30 feet at the right of way.

**Gary Pinkham** – At the right of way, but not at the curb line. With the sidewalk and park strip, you're 15 feet.

**John Limburg** – Where's the water meter?

**Matt Christensen** – It's five and five for the park strip?

**Gary Pinkham** – That's 10 feet, so that's going to narrow you up. I say you're going to have maybe a 25-foot wide long curb line, which will barely accommodate the driveway, well it's cul-de-sac

lots, 50 cul-de-sac lots, could have more discretion. The bottom line is we talk about fire hydrant replacement, we talk about transformer pads, phone pads, et cetera. With the driveways pinching down to where they're basically continuous piece of concrete around there. There's no place for the utilities. That needs to be taken in on consideration.

**Jaime Topham** – What's your input on the 30-foot frontage?

**Dan England** – I agree with the comment you made earlier on the cul-de-sacs. It becomes very serious. I heard comments behind me that when you get to the curb, you're probably looking at about 27 feet. So, you're going to have room for driveways, and you're going to have room for the water utilities. The sewer lateral will come up underneath the driveway, which we can go a long way.

Okay, sorry about that. Slight distraction. So, on these cul-de-sacs, you don't end up having any frontage parking for people because it all ends up being driveways. It just makes it difficult inside there. That's why we came up with a code on these cul-de-sacs to try and increase the frontage on them.

**Jaime Topham** – Okay, so they're asking for 30 feet on this cul-de-sac and knuckles. Clarify this for me because all it says is 30-foot minimum. It doesn't specify where. We need to be clear on where you're asking for that 30-foot frontage.

**Matt Christensen** – So, the way that it's measured is 30 feet along the radius from lot line to lot line. And so, it would be 30 feet along the back of the sidewalk. That's the edge of your right of way. And then, it will be narrower at the back of the TVC, the back of the curb.

**Jaime Topham** – But this is only for the cul-de-sac? Or does it also apply to the properties that are along the knuckles of the streets?

**Matt Christensen** – It applies to the properties along the knuckles at varying... I mean, they're not all just straight this small. It's varying based on how lots spread along each individual knuckle. We couldn't just say every lot along every knuckle in every cul-de-sac is this. It varies. This is the worst-case scenario, not every single one.

**Jaime Topham** – But, there's only one cul-de-sac, right?

**Matt Christensen** – One cul-de-sac.

**John Limburg** – You've got that knuckle next to the five acre park. I know there's curbs down there.

**Dan England** – Down there next to the five-acre park, they got the whole street on that. Oh no, we don't. Not where the knuckle is.

**Tracye Harrington** – Can you point out to where that condition may exist up here? Just so we get a sense of how many conditions?

**Matt Christensen** – So, the only place that will exist is here, there, and potentially there.



**Dan England** – There's another one.

**John Limburg** – Yeah, it'd be down there.

**Matt Christensen** – This one, that'll be easy.

**Dan England** – So, you're fine there.

**Matt Christensen** – You've got all of this.

**Dan England** – But, if you go up a little bit, there's another one right above your head.

**Tracye Harrington** – Three additional locations besides the cul-de-sac?

**Matt Christensen** – The thing is, though, as well is with this spot right here, you're not going to have any driveway on that side of that road. And right here, you're not going to have driveway on that side of the road. It'll be front here. You may have limited parking there, but you can have parking there, there, all there. Here you've got parking all there, all there.

**John Limburg** – I just know of, and I don't build these things, so I don't know, but Gary has had an issue with this from the time I started here, and it's for a reason.

**Jason Boal** – Yeah. One thing that I think is really beneficial about LGI in building these is they are going to have specific... This isn't like they're going to sell this lot, someone buys the lot, and decides, "I'm going to put a house here." This is, with it being a PUD, it's definitely planned down to the lot, and we can specifically find, "This is where the driveway's going to go." It gives us the ability to really nail down this design and get it all so it does... I agree. If it gets hodgepodge together, yeah, it gets really, really difficult to build.

**Rick Barchers** – Well, I would just suggest that you work with the staff on trying to get that sort of thing straightened out. I mean, I really would.

**Jaime Topham** – But, that's an ask. So, we have to talk about that, and not just push it on our staff.

**Tracye Harrington** – If I may, just from an LGI perspective. So, we're a little bit different than a normal home builder. We don't sell lots. We actually, we plan out which homes we're going to put on all the sites. So, we are in a position to give you a plan of here's how we lay it out and agree with the staff in advance. So, we are able to see where these conditions might exist and where they wouldn't exist. We could do all that in advance if we needed to because the way we do it is we build homes, it's a hundred percent spec. We don't let people take options. So, we don't sell the lot and then let them pick a plan. So, we just have, "Hey, here's an inventory, here's 20 houses in the inventory, this is what we have for sale. Go pick which one you like." So, from planning standpoint, we plan it all down to exactly what plan we're going to put on every lot by the time we start building.

**Jason Boal** – That's exactly what I meant by LGI doing this because we're going to be able to find all that out and engineer it.

**John Limburg** – I get that, but the water meters breaking. You'll see it all over Grantsville right now. The city's fixed up probably 10 of them right now. So, is that an issue, Gary? If we're squeezing all this in, it's just something that they're going to be able to come back and fix later if we have a problem? We have a lot of water meter problems right now.

**Gary Pinkham** – As narrow as you're getting, if we're getting down to 27 feet at the curb length, you take a standard 20-foot driveway with flares on either side, four-foot flare, they're 28 feet wide. There'd be no, you're going to have a little triangular piece of ground there to put your meter in. I know Public Works struggles with being able to access those if they have to service them.

**John Limburg** – Yep, that's my concern. You guys may be able to put them in.

**Gary Pinkham** – That narrow a lot on the cul-de-sacs becomes problematic. If we're going out on the main street where the lots lines are square to the street, that 40-foot front setback requirement's going to give us a 40-foot frontage. The problem tends to almost take care of itself. Can we get down to where we can...? You're probably not going to get a legal parking lot because if you put your parking space five feet off the property line and have a 20-foot driveway, you're only going to end up with about 15-foot curb line on the other side. The code requires 22 feet. So, at 40 foot of frontage, there is no street side parking. Not legally. Practically, the only you'd get in there is a smart car.

Again, the frontage issue, the driveway, the utility, the parking, those things all go hand in hand. As we take away parking in favor of the houses, it's like where on Christmas day, when the family shows up, do you put them? Where on Super Bowl weekend do you put the 10 cars that show up for your party without blocking the neighbors in? That's one of the issues we've been having. That's why our lot sizing and frontage is set up the way it is so that we can... Maybe nobody owns an RV. Maybe nobody owns an ATV trailer, but I guarantee you they have parties, they have family events, and where are you going to put the parking?

**Jaime Topham** – Hold on before you continue. Dan, so I mean, I think we're feeling like maybe the 30-foot lot isn't appropriate concession on these cul-de-sacs and the knuckles and these other areas. There's this little tiny one that's almost a triangle over on the south side. What's your input for us? I'm not worrying about any of what they think. You're here, boots on the ground working with all the people that have to fix everything.

**Dan England** – I like my parking on the cul-de-sacs, and that's why we came up with the code for the wider area through there.

**Jaime Topham** – Okay, so LGI, can you make it work? If we say, "No, we're not going to agree to that particular one."

**Jason Boal** – So, yeah, Madam Chair, I think what we're hearing is there's concerns about how this actually functions, and we have a pretty generic example. I think it would be helpful for us to go back and identify the specific issues, specific lots that this would apply to and what it looks like. And so, if you're comfortable with it, I guess what I'm hearing is you're not really comfortable as proposed. Maybe we can add some.

What I'm hearing is you're not really comfortable as proposed. Maybe we can have some clarity to bring you to that comfort level, or maybe we have to modify it, that you won't be comfortable giving that concession.

**Jaime Topham** – Yeah, I think it's more the latter than the former.

**Jason Boal** – Okay. I am hopeful. I'm positive, optimistic. We'll go with that.

**Jaime Topham** – Okay.

**Matt Christensen** – We will work on... again, I think having a generic exception, it does help, especially in assistance with specific concerns to have, or specific detailed information, as far as where it's applicable.

**Jaime Topham** – If you're going to bring back a specific detail for us to look at, what I'd like you to do is bring back that cul-de-sac, with the driveways laid out like you did... you had a picture that had all the driveways laid out and the spacing. But on the cul-de-sac, so what it actually looks like. Like this... back up.

**Dan England** – Okay. Yeah, because that shows how the parking actually works with your 40 or 50-foot-wide lots, right?

**Jaime Topham** – Yeah. I want to see that on the cul-de-sac.

**Tracye Harrington** – Would it be helpful to ask for the exception of just specific lots as opposed to the bulk exception for the whole thing?

**Jaime Topham** – Absolutely.

**Tracye Harrington** – Okay.

**Jaime Topham** – I would like that.

**Tracye Harrington** – Yeah.

**Jaime Topham** – Yeah.

**John Limburg** – Can we use, this is just one of those things that, I mean it helps you but may hurt the city in the future and if we're going to make an exception, this doesn't feel like one.

**Jason Boal** – Right. Well, we want- we're comfortable making the exception as narrow as possible, and I think that's really what the ask is. We want you to understand where exactly it's applying, how it's going to apply before you say yes, before you're comfortable with it.

**Jaime Topham** – Okay. Moving on.

**Jason Boal** – So this one deals with the driveway spacing, which does permit- the plan is that in between the 20-foot driveways, there's a 10-foot spot and then a 30-foot spot and then a 30-foot spot

that's provided for the parking. The ask is to reduce on those corner lots, reduce that to 10 feet in order to permit that larger spacing for parking down the street. Does that make sense?

**Jaime Topham** – Yeah. Dan?

**Dan England** – I'm sorry, I was typing and I missed

**Jaime Topham** – So click on the screen.

**Dan England** – I was typing notes about what we just agreed about.

**Jaime Topham** – Yes. So they're asking in this to reduce the, what are you asking?

**Jason Boal** – Yeah, so on the corner lots where there's currently the 12 feet is required, we're asking to replace this down to 10 feet so that these can be closer to expand the spacing here.

**Jaime Topham** – In your table up above it says 8 feet. Where are you at? Am I reading that correctly? It says modified proposed standard driveway spacing, single family homes, eight feet in between driveways.

**Jason Boal** – Yeah.

**Jaime Topham** – You mean 10?

**Jason Boal** – So I mean this diagram shows 10, the exception that we're asking for, we are asking for the 8 just in case as there's variations of deviations. The intent though is to minimize that space between those two closest to extend it in between. If you're comfortable with 10, we would rather go with 10. We could do 10. We're asking for 8 again for that little bit of flexibility as we go through that site designing process.

**Jaime Topham** – Well, I think 10. You got it on there. Shows that it works, 10.

**Shay Stark** – There's also the issue here with this 60-feet, the driveways can't be within 60 feet of an intersection. We run into this, and we're going to run into this with every project that we have in the MU or probably even in the RM-15, RM-7, with the smaller lots. When you get down to, if you've only got a 40-foot frontage on a lot or 50-foot frontage, or minimum 50-foot frontage, how do you get 60 feet from the intersection when it's measured at the property line. I'm just pointing that out that essentially by approving the smaller lot widths, but we're allowing 50-foot lots, we've, by default, are approving an exception to that requirement.

**Jaime Topham** – What's your advice on that?

**Matt Christensen** – That's where to speak to that. We've been working with Dan and with the staff required is a 30-foot side triangle from the intersection. We're still providing that 30-foot side triangle and allowing a driveway. That's why we have asked for the exception to allow 10 feet between the two closest driveways. Our driveway will be outside the side triangle and won't be parked cars there. The exception is to allow us to then have 10 feet to the next closest driveway to meet the code for the 30-foot side triangle.

**Jaime Topham** – So Shay, if that's the case, I mean do we need to require them to do a 50-foot lot on those corners or what?

**Shay Stark** – It looks like the corners are wider than the other ones on this. They've tried to, I'm just pointing out because with each one of these requests, there's a lot of things. As he mentioned, we had 42 pages of different issues. A lot of those, they made some changes. A lot of those went change to compliance. We took those out of what you've received. I believe what you have in your packet is somewhere around 30 pages or a little less than 30 pages.

The point being that these 10 issues that are brought up are like the key issues. But with those, by default, there's other things in the code that have to change. This 60-foot, my recommendation is ultimately that we need to revisit that and have a discussion about it inside the code itself.

**John Limburg** – If we're allowing smaller lots.

**Rick Barchers** – But I've got a problem with changing the whole code just because of this project.

**Shay Stark** – I'm not talking about just this project. I'm just saying the fact that we changed our minimum frontage on lots down below, even below 60 feet, even with 60 feet, I can't put a driveway in that frontage, right? if I've only got 60 feet and I'm told I have to have 60 to clear. Anything below, below 80, 90 feet, we're not able to meet this requirement.

**Jason Boal** – If I can, one of the things that we heard last time, site triangles are a priority and that's one of the asks that we've backed away from. We're more than willing to be in compliance and adjusted the design to meet the city standard. And I think that's where, going back to that health safety issue, we understand that that's a priority concern. And so, we've modified again and backed away from that and that really the first part of this ask is to help accommodate those site triangles.

**Jaime Topham** – Okay, so back to the conversation about 60-foot and we would need to give a variance to allow. I guess 30 feet is what the ask is?

**Jason Boal** – Correct.

**Jaime Topham** – And is that,

**Shay Stark** – Yeah, so that you get that site triangle.

**Jaime Topham** – And that will work? Yes?

**Dan England** – Yeah, that meets site triangle requirement.

**Shay Stark** – Actually, it still doesn't work because you've still got to have space between the- you've got 50 feet total. I'm just using this example, you have 50 feet. If you have 50 feet and we take 30 feet out, that leaves only 20 feet. You're not going to put the driveway right up against the edge of the property line. You're going to bring the driveway in. As far as the site triangle's concerned, if the site triangle is hanging into the driveway 5 feet at the very end of the driveway, it is only worst-case scenario, it's 45-degree angle. It's only 5 feet back into the driveway, too. You're not, you know, unless you got a big truck or something parked in there.

**Dan England** – We don't have trucks out here.

**Shay Stark** – I'm just saying it at the end of that, it is not as big of an issue as-

**Dan England** – I guess we'll have to look at those in an individual basis is what you're saying?

**Shay Stark** – I think so, yeah.

**Dan England** – Yeah. Because focus has been working with me to try and keep that site, triangle clear and if you have something parked in that driveway that does prevent visual and that to me is a safety issue. Not being able to see through that site triangle. And they appear to have been able to do really well on that with what's there.

**Jason Boal** – Yeah. And again, just to clarify, what we're asking for is 30 feet is where the driveway starts. We're not asking for 30 feet from the middle of the driveway. It's 30 feet from the intersection of the driveway.

**Shay Stark** – Are you saying is lots on the corner larger than 50 feet.

**Jason Boal** – Correct.

**Shay Stark** – Okay.

**Jaime Topham** – Wait, they are larger than 50 feet?

**Jason Boal** – In order to accommodate this, they will have to.

**Jaime Topham** – Okay, so let's make sure that's clear.

**Jason Boal** – Yeah, I mean the standard that we're asking for is 30 feet from the intersection of the driveway.

**John Limburg** – That lots on bottom can't be flatter than 50. Half 20 taken up almost half. So that's got to- something's wrong there.

**Dan England** – Well, they will put on the plans the site distance, which is 30 foot off that.

**John Limburg** – Again, I'm just saying what's here doesn't mean.

**Dan England** – I agree with you. I see that also. So, but I think if we work through the process, if he's asking for the 30-foot, that will meet the site triangle.

**John Limburg** – We say we have to meet the site triangle and they build something smaller and it's an issue. It's going to be their problem I guess.

**Dan England** – We'll address that.

**Jaime Topham** – We're not going to get that far because if plans are going to show incorrectly we're not doing it half-assed.

**John Limburg** – Right. That's what I'm saying. It's a nice sell but if they plan on something, you guys come here to get something approved, it's not going to be approved.

**Tracye Harrington** – I can just tell you we have no interest in making it harder for you or us.

**John Limburg** – So I guess what you need to hear is he's not moving on the side triangle. And I guess we're okay- are you guys okay with it up to the making the site triangle?

**Jaime Topham** – Yes. Yes.

**Jason Boal** – Perfect. Let's flip through here real quick.

**Jaime Topham** – What was 6? Scroll through the thing.

**Jason Boal** – 6. Unpublic private search.

**Jaime Topham** – I think we already talked about. Dealt with that.

**John Limburg** – We want 8.

**Jason Boal** – So eight. It goes back to the- we've kind of touched on it a couple ways with the setbacks. The setbacks and the PUE, the code is for a 10-foot utility easement established along the front and seven and a half established along the sides and rear. Our proposal is to, I don't know why that one didn't- let me go back to the other, that image wasn't very clear. It's a little clearer here. We would do a 10-foot PUE on the rear instead of 7 and a half and 5 foot on the side and 10 foot in the front.

**Jaime Topham** – Dan?

**Dan England** – You guys aren't doing basements out here, right?

**Jason Boal** – Correct.

**Tracye Harrington** – Well yeah, there might be some, a few lots here and there that are topography-wise. We might, but not generally that's not our deal.

**Dan England** – Where you have the basements, I think you need to have that seven-and-a-half-foot wide easement. So, you can have room for the window well and drainage to still be able to go by.

**Tracye Harrington** – So we don't do window in any of our basement products nationwide. We don't do window wells on the side.

**Dan England** – They do them in the back only?

**Tracye Harrington** – We do them in the back or they're a walkout.

**Dan England** – Okay. If there's no window wells on the sides, then we can go ahead with the 5-foot.

**Tracye Harrington** – And then there's no typically on the side. Yeah.

**Rick Barchers** – So the condensers will still be on the side?

**Tracye Harrington** – Yeah.

**Jaime Topham** – So then did we have a conversation about that? The encroachment? But what about the condenser? Is the condensers on the side? You only have five feet down the side. Was that a problem? The condenser air conditioning to my house. How big isn't a condenser like three feet? So, you've got really 2 feet to walk past. Aren't those for utilities?

**Dan England** – Will the wheelchairs make it by.

**Tracye Harrington** – No wheelchairs will make it by that street.

**Jaime Topham** – Isn't the concern? Well, okay. That's a different concern. But the wheelchair wasn't the concern that I thought of, but I guess that is one. So, isn't that a utility easement? What is the PUE for?

**Dan England** – Public utility easement.

**Jaime Topham** – Public utility easement, right? So, if you can't get past what happens if there's a break in the line along there?

**Matt Christensen** – So most utility companies have- we've asked Rocky Mountain, we've asked Quest Star gas, they don't like running alongside of the home. They would much rather run in the front. That's where they plan their lines or the back of a home. And so there likely isn't going to be a line that has to be maintained or updated that runs along that. We're providing it but the utility companies don't like to use side homes. They don't like to have to get through people's gates. They don't want to get back there and have a limited place to work.

**Ben Duzett** – In fact, many cities have eliminated the side of UUVs.

**John Limburg** – That doesn't make any sense because your power meters are always on the side of your house. Your power gas meters always on the side of the house. What you're saying does not make sense to me. You never see a power meter on the front of the house. So, they're running down the side of the house and so is the gas meter. It may not even be going all the way to the back, but it's going a quarter of the way. I think there's also an issue of fighting a fire. Can you get a fireman, get past the condenser to get to the back of the house?

**Jason Smith** – We'll just hop over it.

**John Limburg** – Listen, these are the types of things that are safety issues.

**Jason Smith** – On the gas meters and the newer subdivisions, right? So, he's Right dominion's running their lines across front yards and they're running the line up to that front corner of the house. So even though that meter is technically on the side of the house, the line coming in is coming in from the front yard, if that makes sense.



**John Limburg** – Well, I'm thinking about my power meter right now and I know it does run on the side.

**Jason Smith** – No I didn't say power, I just said gas.

**John Limburg** – It's right up the side of the property line that comes over to my house.

**Jason Smith** – But I'm just saying the gas meters.

**Jaime Topham** – So are you going to be able to get past that condenser and put out a fire in the backyard?

**Jason Smith** – We got a couple of short guys who might have to toss over it. No, we can get there.

**John Limburg** – We're trying to help you too.

**Jason Smith** – We can get over it. Yes, we can get over it. If we're not worried about window wells, I was more worried about somebody falling in a window well than climbing over a condenser because have guys that would fall in a window well every time.

**Tracye Harrington** – We're certainly willing to accept the condition, build condition of no window wells on the side. So, like I said, we don't build anyway, but if it would make you feel better, we can put that easier.

**Jaime Topham** – Okay. So, Dan, back to, so 7 and a half is what's required.

**Jason Smith** – In worst case scenario, we are always packing tools and we can knock a fence down in the blink of an eye to go around a condenser. It might not make the homeowner happy, but if the house doesn't burn down, it'll probably be okay.

**Rick Barchers** – Speaking of fences, do you plan to have any sort of fencing allowed at all in here?

**Tracye Harrington** – Yeah, we typically do. We typically allow our customers to do 6-foot fences, the privacy fences, but we tend to just defer to whatever your residential design standards are for fencing and we call that. But in most of our communities, people do like to have a private backyard. And our project in Eagle Mountain, we do, we have fences around typical 6-foot PVC style white fence.

**Rick Barchers** – I'm just curious how- Gary? How's that play in Mr. Fire Marshal? If they've got fences there, how does that play into your access to the backyard? Yeah, but if you're just talking about a fence just up to the back-house line, but if you've got fences, you're going to have to, you couldn't have a fence in between the units.

**Jason Smith** – We could, that fence isn't going to slow us down for fighting a fire.

**Jaime Topham** – Okay. I'm glad you actually brought the fence issue because I wanted to ask along the townhomes, along the front of this project, is there going to be a fence or anything? Or is it just going to be open to that major street?

**Jason Boal** – So yeah, the layout is the front yard of the townhomes. There's a green space and sidewalk that the townhomes will front on.

**Jaime Topham** – Okay, so that brings a perimeter fence. Yeah, perimeter fence. Because that's 138, that's a busy road. It's going to be even busier with this development and everything else that's coming. Their house just fronts to this major busy road?

**Jason Boal** – There are no frontages.

**Tracye Harrington** – There are no frontages.

**Jason Boal** – The backyard.

**Jaime Topham** – What do you mean frontage? Okay, that's backyard.

**Tracye Harrington** – Well it's the driveway into the rear loaded garage.

**Jaime Topham** – Okay. All right, well then perfect. Then what's to keep their kids from running out into 138?

**Tracye Harrington** – Their parents.

**Jaime Topham** – I don't like that at all.

**Tracye Harrington** – I don't know.

**Jaime Topham** – It's fairly common.

**John Limburg** – We've made a whole bunch of developments. But, in total we put exterior fencing around all of them.

**Jaime Topham** – I think that's important in this, particularly in this location.

**John Limburg** – We've expected other developments to do that. I don't know why we would change.

**Tracye Harrington** – So we're just talking along this major because we've got the trail on the other side.

**Dan England** – We're looking at the fence between the trail and the homes back there.

**Jason Boal** – All the way around. You're about, you're talking about a trail to the fence trail on the east side and-

**Dan England** – No, I'm sorry. You're right. East you're pointing to the south, but yeah.

**John Limburg** – I'm saying all way around.

**Rick Barchers** – Because it's a highway, it just looks dangerous.

**Dan England** – Typically we're hitting the whole perimeter so that people outside the subdivision are not looking into the subdivision. I think it'd be nice. Well yeah, yard fence along that whole stretch. Yeah, that's what we're looking at. Rear yard fence across there.

Do you guys along something between the basin and the homes too?

**John Limburg** – The basin?

**Dan England** – Yeah. See the basin on the little cul-de-sac.

**John Limburg** – The retention areas?

**Dan England** – Yes. Yes.

**John Limburg** – I think and then all the way along highway 138.

**Shay Stark** – Isn't the basin deep enough that it's got to be fenced the full way around?

**John Limburg** – Yeah, I'm sure.

**Dan England** – Yeah. So that takes care of that side. But then there's the commercial side that will need that fence too.

**John Limburg** – I would say there has to be a fence around the entire perimeter of this. You can use the backyard fences on old Lincoln.

**Tracye Harrington** – And then same thing over here on this side?

**John Limburg** – Yeah.

**Tracye Harrington** – Okay. So, it's really the stretch in front of the townhomes. We'll have the backyard fences here and there'll be this little bit of green space. The backyard fence is there and then they park. So, it's really this section here where there's not a natural fencing we need to address.

**Dan England** – So you're putting one along?

**Tracye Harrington** – Yes, we want fences all along here. All along there. Down the road where this house is back up there and then along here. So really the only section that won't have backyard fences is just along the townhomes here. We'll put a perimeter fence up. I'm saying just naturally that's the only section.

**Dan England** – Oh, so everybody, as you build, gets a backyard fence?

**Tracye Harrington** – Yes.

**Dan England** – Okay.

**Tracye Harrington** – We will likely do it all. It just depends on what the city, we don't typically, we intend to give every single family detached house and a fully fenced yard.

**Dan England** – Okay, that's wonderful.

**John Limburg** – But yeah, so the concern is they weren't going to do it where the townhomes are.

**Tracye Harrington** – Yeah, if that's what you're saying, then we have to would now- aesthetically, I don't know whether it'll look the best because it'll be right behind and it'll be right in front of those driveways around these alley loads. But that's easy enough here anyway. Just you can figure out what the aesthetic-

**John Limburg** – Where's Walmart? Where are the semis coming out from Walmart?

**Dan England** – See the driveway?

**John Limburg** – Yeah, that's it. You got to have a fence there.

**Jaime Topham** – You've got to have a fence.

**Tracye Harrington** – Agree, agree. Yeah. We'll do that.

**John Limburg** – I'll bring up my bike again, but I ride up and down on my bike all the time. So, I know the area.

**Jaime Topham** – Christy?

**Christy Montierth** – Fence line two, SSR 138 would be you be UDOT maintained? That's always a question. Anytime you put up fence between the road. Otherwise, it's usually that property owner's responsibility to maintain it.

**Tracye Harrington** – Because it's going to be in front of the townhomes. We could put it on the HOA.

**Jaime Topham** – Okay.

**John Limburg** – I know the rest is silver Fox. They've all got a fence behind their house up next to 138. I don't know if that was put in originally or if the homeowners did that. I have to look.

**Jaime Topham** – The homeowners did.

**John Limburg** – The subdivisions south of what you guys are talking about here. Silver fox I think is what it's called.

**Jason Boal** – So request number 9 is the site triangle. We will comply with that.

**Jaime Topham** – Okay.

**Jason Boal** – The last request.

**Jaime Topham** – You saved the best for last.

**Jason Boal** – Well, yeah, so honestly we spent the most conversation I think on the last two because that's where the most conversation was had 2 weeks ago. So, our initial proposal was for the phasing B 200 lots.

**Jaime Topham** – Hold on. Actually, your initial proposal was for your safe phasing to be in seven parts that ranged from like a hundred to, let's see, where's this memo from? So, the memo was 108, 102, 116, 87, 95, 90, 94. So that was your original proposal.

**Jason Boal** – Yeah. So, well the original ask of what the request was for the phases to be up to 200, which would accommodate, accommodate that.

**Tracye Harrington** – I think. I'm sorry. Yeah, I think what you're referring to is when we had come before you some time ago, right?

**Jaime Topham** – Right. The letter written by Craig.

**Jason Boal** – What date?

**Jaime Topham** – March 10th, 2023. So, this would be your actual PUD application. So, let's just be clear on when your initial ask was.

**Jason Boal** – Okay.

**Jaime Topham** – So why are we bumping it up to 200?

**Jason Boal** – Well, so we revised that, but we'll talk through what it is what we're talking about. In essence, we would like to have separate out and talk about site grading and utilities versus vertical construction and separate those two issues and the phasing in those two regards. We do have this example of phases 1 through 5. However, those would be subdivided out further. I may not have saved to the other exhibit.

Okay. I apologize. There's another exhibit where we show that within those phases, basically what our request is, is that we would seek Preliminary Plat approval for the larger phase and then come back and get final Plat recommendation and 50 block blocks so that our understanding is the concern is that we're not getting too far out of ourselves. But that the utilities would be improved before those final phases. That final phase is recorded and those lots are sold. We're on the hook. You have the assurance that we're not going to plat too far ahead of ourselves. So not only do you have the assurance, the bonding for the utilities, but then we have that imposed restriction, self-imposed restriction of those 50 units. In essence final plat's reporting for those lots to be sold and built at the time. Does that make sense?

**Tracye Harrington** – What his computer is frozen and not showing is that for each of these phases we've broken them down into 3 sub phases. So, in 50 unit blocks, 50 lot, blocks of 50 lots

So, we would put in the public infrastructure, the water sewer, detention for that larger phase and then come back in our 50-unit blocks, do the final dry utilities and then the final curb and sidewalks and the asphalt. Do that later on in that unit block and then move right in from there to home construction based on where we're at.

**Jaime Topham** – Flip to your next slide or back one. Is it just frozen?

**Jason Boal** – Would an exhibit help? I just emailed Cavett an exhibit.

**Jaime Topham** – Oh sure. I was just trying to read what you wrote.

**Cavett Eaton** – You want to show it?

**Jason Boal** – Yeah. So here again, going back to the DA contemplated a phasing plan coming before you and this being something that was discussed and I mean ultimately why we've included this request and where we're at.

**Jaime Topham** – Cavett did you get that?

**Cavett Eaton** – I'm going there.

**Dan England** – Can I ask her to repeat something real quick?

**Jaime Topham** – Of course.

**Dan England** – Since of course, can you go over again that part with what is going to be in the 150-unit blocks, what you want to build and that part? Because I heard you saying surface streets and everything else coming later with the 50 homes. So, what's going to be built in that first 150?

**Tracye Harrington** – Matt, do you want specifically talk for it?

**Matt Christensen** – As far as what?

**Tracye Harrington** – Yeah, what are we including in the 150 phase or the 150-unit phase of the development? So, all of the grading for that, the water lines,

**Matt Christensen** – We would submit construction plans for 150 units. They would go in and build the infrastructure.

**Dan England** – What's included in it?

**Matt Christensen** – Water, sewer, streaming, roads, road base, up to road base, all the sub, sub base, everything in under the road construction. And then once the first 50 lots get 70% sold, they would come in and pave the first 50 lot phase and then once 70% of that gets sold, they would go and pave the second 50 lot phase and get that ready for home construction. Then once 70% of that is done, they would do the third phase. Everything under the ground would be built and ready to go. The last thing to do before home construction would be to come in, put in the curb and gutter, sidewalk, dry utilities, asphalt, and then they could get their homes built. While the second phase is in review with you.

**Dan England** – You could probably even do the second phase through the review part a little bit sooner.

**Matt Christensen** – Right.

**Dan England** – You don't have to wait for that to be done to start the process.

**Tracye Harrington** – We would hope.

**John Limburg** – Spencer brought up something and you said it again today. I mean, are you going to bond the entire project from the very beginning, all five phases or whatever?

**Tracye Harrington** – I mean, we can. We prefer to do it on these larger phases, but we can.

**John Limburg** – So that's what I think would make us feel more comfortable. I think that's what's happened in the past is-

**Tracye Harrington** – Sure, yeah, we can bond.

**Jason Boal** – Yeah, I've talked to Dan about this. So, we would bond, it sounds like the city accepts surety bonds. That's likely the way we would go. We would bond to 110% of the value and we would do it by phase. So, I would say these chunks of one 150 in phase one, and then we can work with the city on this. It would likely make sense to do more infrastructure, get utilities to the park and things like that. We would bond above and beyond those 150 lots to cover any concern about incomplete work for infrastructure.

**Tracye Harrington** – Yeah, the first phase will likely need to include a little bit more because we'd like to build a park in the first phase as well.

**Spencer Connelly** – Yeah, we were looking at the main infrastructure, especially for the main utilities. The sewer, the water, the water we're bringing in over a mile to help not just our community but to help the up and coming communities around us. And that's one thing we've been working with Dan on and his team and in order to do that, we want to get all the infrastructure in but then come back in with the shallow base in behind, if that makes sense.

**John Limburg** – What were you going to say, Shay?

**Shay Stark** – And I'm not sure because I know in the past we've had discussions about the PID paying for at least certain utilities. If not, I don't know if it's paying for all the infrastructure that you're putting in or not, but if that's the case from, if that's the case from the perspective, if the PID is paying for it, all the risk is on the developers and those homeowners that are paying that PID off. All the risk is on their side. Now I'm not saying don't bond. I'm just saying that we may not need to bond for the whole subdivision at one time. Just bonding in those larger phases, all the risk is on those people because of that PID if that's being used.

**John Limburg** – What I'm thinking is we've required everybody else to do it and why would we do anything different for them if they're willing to bond the entire project? I think that's an exception

where you go, "Hey, they're willing to put it up and bond the entire project from the beginning. If you guys want do the same, then maybe we would do the same thing for you."

**Mayor Critchlow** – That PID covers that as well.

**John Limburg** – What happened with South Willow Estates? Gary, do you know? Where he went bankrupt. He didn't bond and the city couldn't finish or what?

**Jesse Wilson** – Right, but with the PID that doesn't matter because the bank will hold them accountable for that. They'll get the money. They get the money and they'll finish.

**John Limburg** – I think the whole thing is fair and equitable treatment. All the developers we've worked with in the past, we've asked them to do this. What can these guys do different above and beyond what they've done where we could say, "They're doing this. You didn't?"

**Jason Boal** – I think the difference is the PID.

**John Limburg** – Are we asking all developers to do a PID now? That's what I didn't understand.

**Jason Boal** – That's one of the main differences between this and what's happened in the past.

**Dan England** – Typically, when we get a bond it's when the map is recorded and it's for what is going to be given to the city for that phase. Typically, we will get bonds coming in in phases. If you want to be the same as everybody else, that is the way that we normally get it. We receive that bond when that map gets recorded because it's their property until we get that. If they want to work something out different than that, that's fine, but that's the process. It's not the entire thing in most cases unless they're doing it all in one phase.

**Spencer Connelly** – One thing that we are willing to add as well on these larger phases, the public improvements, the parks, and the open space, and trails, we would include in the first phase of that larger phase as well.

**Jaime Topham** – Since you brought up the park, I don't want to spend a lot of time there though, are you finishing that out with the amenities?

**Matt Christensen** – Yes, and we're open to input.

**Jaime Topham** – Please don't say pickleball. I don't even want to talk about it.

**Matt Christensen** – I heard it was a top five item that Grantsville residents want.

**John Limburg** – We got more pickleball courts that players out here

**Tracye Harrington** – We don't have a full landscape plan yet. We were going to wait and do that with the city's input later on.

**Jaime Topham** – Mayor, you finally get to have some input. I'm going to ask you specifically. How do you feel about if we allow them to do this plan where there's a phase of 150, but then they build it in stages and they only do 50 houses at a time? I liked your thing that had the actual written



language. That would have to be adjusted down because it's going to be no more than 200. It would be less than that.

**Tracye Harrington** – Sorry about that. It should be the 150 that we got.

**Major Critchlow** – I'm okay with that.

**John Limburg** – How do we explain it to the other developers? I know these guys think that they're big dogs and they go up and blow it out. I don't want people to be treated differently.

**Major Critchlow** – These guys had a development agreement prior to this all happening. There's a lot of things that could be used to justify.

**Craig Jensen** – I was going to say I think effectively what we have here and what we proposed is really in line with the city code and the 50 lots and the 70% sales.

**Rick Barchers** – It's pretty close.

**Craig Jensen** – It is that distinction between the horizontal development and the vertical development. If there's a problem with this language, I don't know who drafted it? It was probably Jason.

**Shay Stark** – I just want to point out again the unique part of this project is the PID. The reason that we're comfortable with that is because the PID gives us protection. The other developments that we've had in the city, this will be I believe the first development, assuming this gets approved and goes forward, this will be the first development that's using a PID. We've got other people who are going to be using it on projects. You're probably going to see that on that West Bank being used.

**Dan England** – We've already accepted those PIDs being used.

**Shay Stark** – Then, we've got some others, but for the justification that's the difference right there. That's what makes this unique and it's a precedent that I think if somebody else comes in with a PID and we have that protection, why wouldn't we allow the same thing for them?

**Jaime Topham** – John, the other thing is their development agreement. That's the big thing that we're-

**John Limburg** – It says in there that they would like to do more than what we're going to allow, but-

**Jaime Topham** – Can you just for the record so that if there's somebody listening to this later, can you just tell us what a PID is?

**Shay Stark** – It's essentially the state has created a law that allows developers to create a public infrastructure district. It's similar to say a water district or something like that. It gives the developers the ability to build infrastructure. They're able to bond for that infrastructure through this. Then, as the people purchase the properties that are served by this infrastructure, those people then pay down those bonds.

Now the developer is at risk with this because they bond for it. If they don't sell homes and they build a phase and they don't sell homes, the bond still has to be paid. They're paying for it. The other thing that I think is important to realize too is the developers, the developers are not totally driving the bus here. There has to be a board that has representatives from the city. There's criteria on who has to be on that board to be able to make decisions and allow it to move forward.

It is something that from the city's perspective for instance, like they said, they've got to run a 7,000-foot water line out there to be able to provide the water service. They've got to run some offsite sewer I believe. There's a little bit of offsite sewer. There's some things there that are unique to that development and making that development work, that are beneficial to the city in the future.

Those items, if you were going through our traditional process, I'll use Wells Crossing and Northstar Ranch as an example of this. They needed water from a higher-pressure zone. That ended up with an agreement on an offsite waterline that the city is involved in part of that, each one of their developments. The city is involved I believe through impact fees if I remember right and there's certain reimbursements that occur. By doing this through the PID, again there's none of that in place. It allows them to expand infrastructure and be able to develop a piece of property that they either would have to go through some sort of a pioneering agreement in order to do it or they would have to wait until infrastructure got out to them.

**Jaime Topham** – Thank you for that explanation. Do we need any further? There's no other PUD requests. We got through all of them.

**Jason Boal** – I think so. You want to go ahead?

**Jaime Topham** – Go ahead. You finish up and then I have another, one last thing I want to talk to you guys about.

**Jason Boal** – I was just going to go through and make sure that we are on the same page with the request. It sounds like with the townhomes, the minimum lot size, there's a comfort level because it doesn't include the landscaping. It's just the building pad. It's similar to what the city has about-

**Jaime Topham** – That's going to be to defined out that that's what your 1,000 square foot lot is.

**Jason Boal** – Would you like to see an exhibit that shows that a little bit better? Is that what I'm hearing? I'm happy to do that.

The corner lot setback, there was a comfort level there to adjust the driveways and then I'm going to go through maybe each one. Corner lot setback for the side is the 12 feet. We're comfortable with the setbacks.

This one, there's a little bit further discussion identifying which exact lots this applies to and how that will function and how that will work.

Private streets, fire access on that, it relates to the other one about the length, but adjusting that long turnaround and adding that fire access, in the townhome area.

We're comfortable with this because we need a site triangle.

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Here again the townhome for length, that one adding fire access.

**Matt Christensen** – Sorry, real quick, on number five-

**Jason Boal** – Let me go back really quick.

**Dan England** – That, wasn't it eight feet?

**Cavett Eaton** – Eight to 10, change the 8 feet to 10 feet.

**Jason Boal** – These will be sprinkled. It would resolve this one, right? The PUEs bits, we were comfortable with that with the restriction for no window wells on sides

Nine we're good with.

**Jaime Topham** – You're sticking with a standard on nine?

**Jason Boal** – Yes, correct.

Number 10, we need to adjust the 200 in number one down to reflect 150.

**Jaime Topham** – John, Rick?

**Rick Barchres** – That seems to be what I recall.

**Jason Boal** – It's been a long evening.

**Rick Barchers** – No, it sounds right.

**Jaime Topham** – The last thing I want to bring up, and, Spencer, this is directed more towards you. The last time you were here you were treading on the good name of LGI and why we should allow you guys to do 200 and all of that. I went ahead and went and looked up reviews on your company to Better Business Bureau and they're not great. In fact, they're terrible. Lots and lots of people say that the buying process was great, but then the homes have problems and when they're trying to get warranty work done no one responds. They'll call. They'll get a call back that says, "We'll get back to you," and then no one responds. They don't get their warranty work done. They're waiting. You can just go to Better Business Bureau and go through the 2,000 plus reviews and see.

What I want to know from this company, because I'm not taking you on your word that you're stellar, I want information. What is your warranty process and how are we going to make sure that our residents don't experience what Texas and Washington and several other areas experience?

**Tracye Harrington** – If I may.

**Jaime Topham** – Sure.

**Tracye Harrington** – We have a warranty process. We have a customer service department that is dedicated to taking any of the warranty calls and claims and we process fixing things through our customer service department. We have a dedicated person that handles and does all of that. Backing

up to the front end of the process, one of the things that we are able to do and we hang our hat on as part of our culture of the company is that we build 100% to spec. Our construction managers, it's part of their job and their role to have the cleanest job sites in the world. We have a third-party inspection company, Burgess, that actually does inspections for us and it's a rigorous set of standards that are above code we implement. Wherever Burgess operates throughout the country where we operate, we bring them in, implement their inspections at every step of the process.

Now some of what you're referring to was from some time ago. Some of it may be recent. You can't please everybody. We totally get that, but just from a company standpoint we really care. Our number one core value is excellent customer service. If we're not achieving that, that's bad on us and we need to fix that. That's not acceptable. I'd love to be able to show our website, show a little bit about it, just show our core values.

**Jaime Topham** – I saw your website.

**Tracye Harrington** – I mean we're a publicly traded company on the NASDAQ and we've been in business since the '90s. We've been publicly traded since 2013. I've worked for this company for four years. I came here in part because they focus on more affordable housing, getting renters into homeowners. The fact that it's 100% spec enables us to focus on quality as opposed to just getting all the specifications right.

I can't speak to those particular states and those particular customer issues, but I can say that my experience with LGI is that it is absolutely part of our job descriptions for those construction managers on those sites that the sites have to be clean. They can't fail inspections. They're 100% responsible. We should be delivering a better product than what those reviews say. That's just fact.

**Jaime Topham** – How are you going to ensure that you are for our community?

**Tracye Harrington** – This guy right here who's our land development manager who handles all of the horizontal infrastructure, if he has any issues, he's going to be held accountable for it because we operate the LGI way in this market and most other markets. Those markets that you talked about where those experiences were, I can't say if they were managing the right way. Obviously, not because they had this.

All I can assure you is that we'll manage the way that we do in the other 18 states that we operate in that we don't have this situation, but everybody is human. I can't say that we won't have problems, but I can tell you I'm happy to take you if you want to, I live in Denver, Colorado. We've got seven active communities. I'm happy take the three of you to show you how we handle our customer service process, whatever assurances you need.

**John Limburg** – I might be in Denver tomorrow. I'll take you up on it. I really will.

**Jason Boal** – That's awesome.

I mean even speaking on that a little bit, we noticed some stuff in the soils report. We're even thinking about changing grading on this whole job just because we want to make sure that we're giving a good product to our construction team and to the homeowner at the end of the day.

**John Limburg** – Can I add something to this?

**Jaime Topham** – Yes.

**John Limburg** – This is where this is what's important to me and I know Dan is working on some of this, but I'm going to tell you that there's silty sand, silty clays here. They settle. You can't moisture condition them very well. Every single lateral and every single subdivision settles and we haven't been great at testing them. I would like to see something if we're going to say yes to a PUD and we get together with them, every foot is tested on every single lift, on every single lateral.

**Jason Boal** – Structural fill is what you're talking about.

**John Limburg** – I mean structural fill has a structure on top of it, but I'm talking about sub base, anything below, anything that's in the road. I'm talking about anything in the front yard. If you're bringing the main sewer line into the home, they'll settle on every single home here. If you drive through south in Grantsville, you'll see a dip in every single front yard.

**Jason Boal** – That's what I mean by it. We've gone through and now we're working with Focus right now. We're working. We just got a third Geotech to give us recommendations on some of the stuff we're seeing on the original soils report for this job. That is big thing.

**John Limburg** – Who are you guys using.

**Jason Boal** – We've got GeoStrata on it, IGES, and GSH. They'll do the soils review.

**John Limburg** – This is big to me. I would love to see a subdivision built here that's built right, that doesn't have laterals settling, that doesn't have the main water lines breaking going into the home because you've got 10 feet of fill settling on top of it and they didn't do anything below it. They didn't put in the right-

**Michael House** – I come from 20 years of doing subcontracting work. That's what I've done for 20 years prior to-

**John Limburg** – I ran a material assessment and engineering firm for 20 years.

**Michael House** – You and I have seen it together for a long time.

**John Limburg** – It hasn't been done right here and I know that Dan is working on it. The city is getting better at it, but I want to see if the subdivisions done right. When she's saying, "What are you going to do that's going to guarantee it," I'd like to see some of them. We're going to test every single foot. It doesn't matter if it's in the road or if it's in the front yard. I'd like to see all that stuff tested.

**Tracye Harrington** – Can you take them out there and show them what we've done and take them through?

We have a sales event on August 26th. Come on out and see what we do.

**Tracye Harrington** – We have a community that we've built where we've already dealt with all the soil stuff.

**John Limburg** – These are horrible soils. I'm telling you. Everybody thinks that they can just water settle it and they can put a pipe down. I saw Gary working on some soil today and I went by. He moisture conditioned it and he compacted it and it was great, but it is not. Most people aren't doing it.

**Michael House** – We looked at testing the soil out here. We looked at many options already just to see what's going to be best for this. We understand it. We don't want a housing development at the end of the day. That's liability that falls on us.

**John Limburg** – For the first year, but we're seeing stuff settle five years later and seeing the water lines falling.

**Michael House** – We want it at all and part of our culture is also hire the best for that reason. We've taken a direction on that for guys like me, Spencer, Tim, Craig, Tracye, Tim that's on the phone right now, our focus team. I mean from the last meeting to now, we probably talked with our legal team, our engineering team, our upper management. 25, 30 times in two weeks we've had meetings just to get to where we can get better information and give you guys what you guys want.

**Jaime Topham** – I think you also understand that we'll be paying attention. It's not going to be fly by the seat.

**Michael House** – I have no problem with when we get to development touring you guys around the site and showing you some of the things that we do.

**Spencer Connelly** – We do have our first Utah community opening next weekend. We have a grand opening on the 26th in Eagle Mountain. I'll email city staff the information for that. Feel free to come attend the event and ask questions, see what our product looks like. Then, also we'll discuss internally what to do as far as assurances with concerns, quality of work, those types of things. We'll talk about how to test for soils and how to mitigate any concerns you guys have. Trust me. We're concerned as well, right? This is our biggest project in Utah, largest unit county by far.

**Tracye Harrington** – I mean we want to do it right.

**Spencer Connelly** – We want it to be a quality job.

**John Limburg** – You're willing to put something in there saying you will? I would even write what I want you guys to do, which I think would be fair to ask you guys to do because-

**Spencer Connelly** – I think isn't there a break between? I mean you could email us, but I think for legal reasons you did need to communicate to staff and then staff-

**John Limburg** – I could just give Dan what I would expect from you guys.

**Spencer Connelly** – I think Brett talked about that a couple of weeks ago.

**John Limburg** – I'm saying I could give Dan what I would like to see and he can give it to you guys.

**Spencer Connelly** – Right.

**John Limburg** – This is something I know better than anybody else in the room and I would love to see it done right.

**Michael House** – What I'll suggest is we have right now for the pinhole material that runs along SSR 138, that one of the newest suggestions we just got was take it all the way down to naked material, bring it back up with one-foot lifts with the old bricks, and then take it all the way back up with one-foot lifts.

**John Limburg** – Is there some undisturbed? I mean what do they-

**Michael House** – They're finding they're fine with little bit of pinhole material. I don't want to take you guys down the rabbit hole, but you come from the soils background. We both know that that needs to be treated with care at the end of the day. That's not just houses. That's utilities under the road. That's roads and sidewalks. That's everything, all the above. We are out in front of this.

**John Limburg** – Are you guys putting any basements in?

**Tracye Harrington** – Only on certain lots. Very few, very few.

**John Limburg** – Slab or are they post tension? What are you doing with your slabs?

**Michael House** – Crawl. Crawl space, tall crawl, and-

**John Limburg** – You're put putting some crawl spaces on there.

**Rick Barchers** – What's the length of your warranty you're putting on the homes?

**Tracye Harrington** – One year for workmanship and then 10 year structural, the systems or whatever, two to three years depending on-

**Rick Barchers** – I'm going back to what she was saying, the Daybreak community, build fast, sell fast. I mean when you guys come in here that's the first thing that comes to my mind. I know a guy here in the valley who runs a dumpster service that makes a pretty good living going over to Daybreak where they're peeling off the siding, peeling off the trim. Contractors are going in there and just killing it. They're making really good money repainting and re-roofing all of those units over there in Daybreak. I don't want to see that happening here.

**Tracye Harrington** – I don't either.

**Jaime Topham** – The people that you're targeting are going to be the first-time home buyers and the people that don't have lots of resources to do lots of fixes. They don't want them being put into homes that aren't built well because they're not up to standards. For your information, the majority of the reviews were that the communication was terrible.

**Tracye Harrington** – I hate that.

**Jaime Topham** – There's something to work on. I don't have anything else for tonight. Does anyone else?

**John Limburg** – I would just say I think the way this was presented today was better than last time you guys came up. It was a little weird that the attorney came up and started it.

**Spencer Connelly** – I had to bring him along.

**John Limburg** – I'm just going to be honest. If you guys want feedback for going into a small-town corner like ours, I zoned out. I wrote a couple things about the constitution, insurance, the code, and a whole bunch of other things. Then, when you first-

**Brett Coombs** – There's nothing wrong with attorneys.

**John Limburg** – I'm just saying you're using that as you're leading. Then, when you got up and you put your first slide on you said, "Hey," the way that you were going to phase it and stuff I was going to ask you to go back, but it doesn't matter. That looked a little aggressive. I think the way that you presented tonight was good. If you're wanting feedback on that, Spencer, if you want feedback, I like the way that you did it tonight. If you're going to go in, we don't know everything and I've proved that tonight. I had to ask a ton of questions. I don't know all the code, but we're just trying to do what's best for Grantsville.

**Tracye Harrington** – Listen, we appreciate your willingness to have these conversations and work with us on each of these items and come up with a reasonable path forward.

**Rick Barchers** – Here's one thing along those lines. This is a small town. Our population is 14,000, somewhere in there, 750 units, average Grantsville population. That's increasing our town size by 10%, right? The whole project, I mean I hear talk about how it benefits the tax base. How many city employees do we pay now for 14,000?

Basically, we're going to be hiring more people. Benefiting us through the tax base doesn't really work because it's based upon the amount of services needed. I'm not trying to knock your presentation, but I am saying when it comes to where does it benefit us, it benefits us if it doesn't hose somehow. That's how it benefits us.

**Jaime Topham** – I just want to say, as an attorney, I didn't mind the history of how it got there. I appreciate it.

**Tracye Harrington** – Thank you for giving us validation.

**John Limburg** – We've been stung a little bit in the last six months by coming in here and saying that they're just going to have their way and no matter what we do, they're going to do it.

**Tracye Harrington** – I hope you see that's not the way we operate.

**John Limburg** – It felt that way first a little bit, but then I think that for me it came around. Thank you.

**Jason Boal** – Thank you. We really appreciate your time.



**Tracye Harrington** – We appreciate it. So, the next steps if I may. Could we work with staff, address these items, come back before you for requesting approval for, what was it? The seventh I want to say.

**Jaime Topham** – That's our next meeting.

**Tracye Harrington** – Would that work for you guys?

**Rick Barchers** – Please work with the staff. They know what we're after.

**Jason Boal** – Dan is probably annoyed by us by now.

**Jaime Topham** – I Dan doesn't do that stuff, he gets the wrap from us. Thank you.

## **8. Approval of minutes from the Feb 16 and March 16, 2023 Planning Commission meetings**

**Jaime Topham** – My first name is spelled wrong again in February, all of February. March is great.

**Jaime Topham made a motion to approve the minutes for Feb. 16 and Mar. 16, 2023 Planning Commission meeting so long as the spelling for her name is corrected in the February minutes. Rick Barchers seconded the motion. And all in favor? Motion carries unanimously. Minutes approved.**

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

**Mayor Critchlow** – As you guys were having your discussion with the Worthington Ranch people, I called Jolene Jenkins on what was said. She'll put it in the letter so you guys understand what was said.

**Jaime Topham** – Perfect.

**Mayor Critchlow** – I appreciate you having a work meeting with these guys, getting most of this hammered out. I really liked the way that they brought it to you. You guys worked out what's good and bad and that's really a piece of pattern that would be this way.

**Jaime Topham** – My feedback would be with that though we are volunteers, not volun-tolds. Please talk to us well in advance of setting up the planning meeting, an extra meeting.

**Mayor Critchlow** – Yes ma'am. Anything else you want me to take back?

**Jaime Topham** – I don't have anything.

**John Limburg** – I would love to see if the city wants that piece of property out there. If they could figure that out, that'd really help to help us send out.

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Yes, yes, it would. Leave it open space. We'll take it.

They're talking about building stuff on it. Will you write us a letter saying what you want?

**Jaime Topham made a motion to adjourn the meeting. John Limburg seconded the motion. And all in favor? Motion carries unanimously.**

Meeting adjourned at 9:50pm