



Dec. 7, 2023

**Planning Commission
Meeting**

Information Packet

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC HEARING

- a) Proposed Amendment to Grantsville City's General Plan and Future Land Use Map for the property located at approximately 1600 N SR-138 HWY from and Industrial Designation to t a Mixed-Use Designation.
- b) 74.89 acres located approximately at 1600 N SR-138 HWY to go from A-10 and C-G designations to MU designation.

AGENDA:

1. Discussion of Proposed Amendment to Grantsville City's General Plan and Future Land Use Map for the property located at approximately 1600 N SR-138 HWY from and Industrial Designation to t a Mixed-Use Designation
2. Discussion of the rezone of 74.89 acres located approximately at 1600 N SR-138 HWY to go from A-10 and C-G designations to MU designation.
3. Discussion of Grantsville Transportation Master Plan (MTP) / Active Transportation Plan (ATP) /Main Street Master Plan
4. Presentation of SJ Company Concept
5. Discussion regarding Grantsville Land Use and Management Code Chapter 21 Subdivisions, Chapter12 Planned Unit Developments, Chapter 7 Conditional Uses, & Update on Zoning Administrators Check Lists and Processes
6. Approval of minutes from Aug. 3, 2023 Planning Commission work meeting
7. Report from City Council liaison Mayor Critchlow
8. Adjourn

AGENDA ITEM #1

Discussion of Proposed Amendment to Grantsville City's General Plan and Future Land Use Map for the property located at approximately 1600 N SR-138 HWY from and Industrial Designation to t a Mixed-Use Designation



Planning and Zoning

336 W. Main Street • Grantsville, UT 84029

Phone: (435) 884-1674 • Fax: (435) 884-0426

Permit# 2023149

Proposed Amendment to Grantsville City's General Plan and Future Land Use Map and Rezone of the G & L Investments LLC Property to go from A-10 and C-G designations to MU Designation Summary and Recommendation

Parcel ID: 01-124-0-0001

Property Address: 1600 N SR 138

Meeting Date:

December 7th, 2023

Current Zone/Proposed Zone

A-10 and C-G

Proposed to be
Rezoned as MU –
Mixed Use

Applicant Name:

G & L Investments LLC

Request:

Linda Nelson

Prepared by:

Cavett Eaton

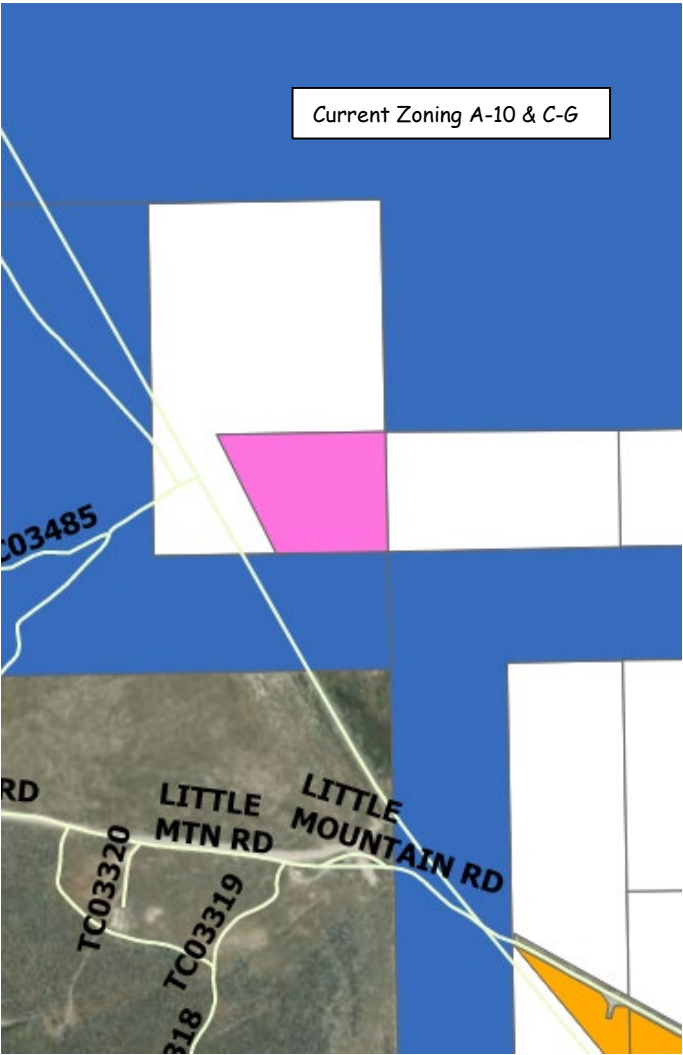
PROJECT DESCRIPTION

Bonneville Seabase was purchased and has been operating since 1988. The property was annexed into Grantsville City at the 2011 Annexation of the Flux Area on SR 138, approved Jan 13, 2011. The Zoning appeared to be a determination of City Staff and Consultants as to the most appropriate for the area and use.

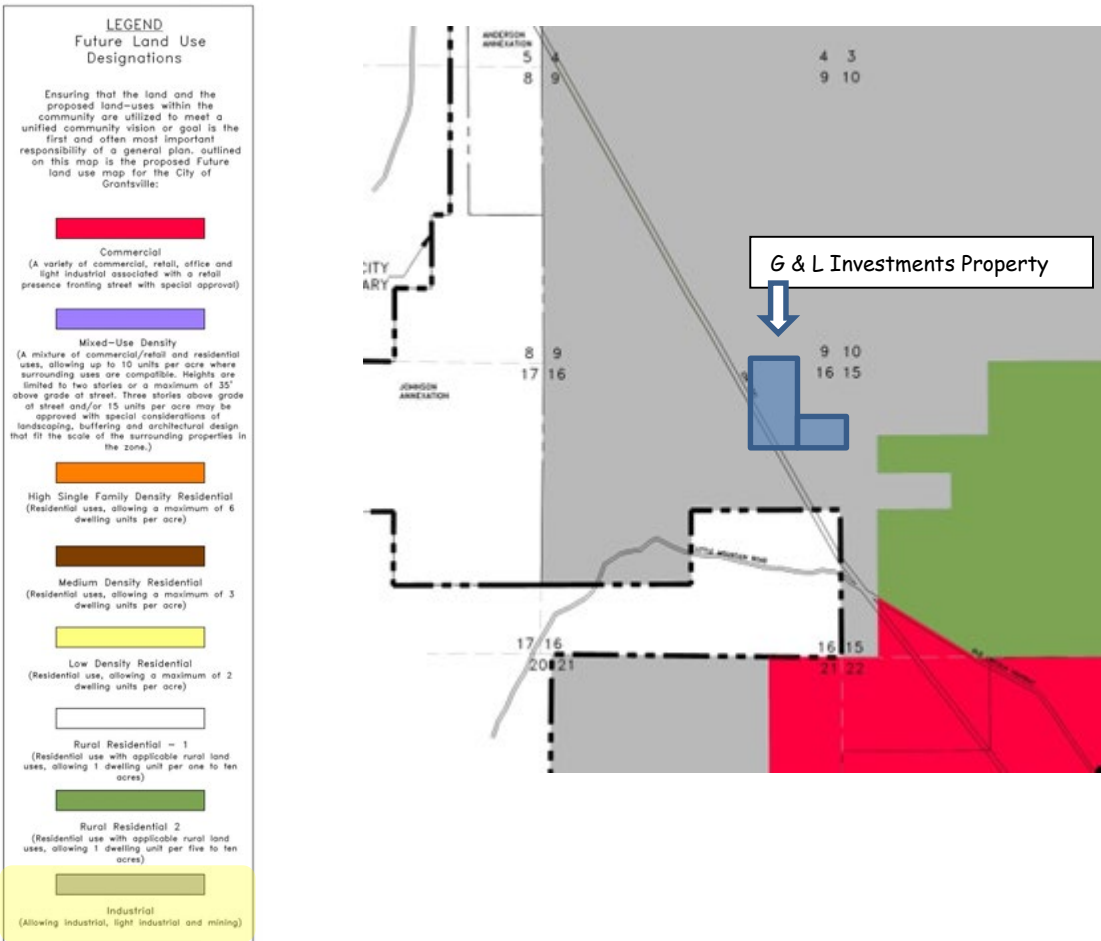
SITE & VICINITY DESCRIPTION

This property is located approximately .5 miles Northwest of the junction of the Old Lincoln Highway and SR 138. The total acreage for the two parcels is 74.89 acres and features natural artesian hot springs with manmade pools and aquatic habitat.

Currently, Bonneville Seabase has suspended its scuba and snorkeling activities, but they remain open for recreational camping. The property is also utilized for special events usually occurring on the weekends.



Current Land Use Designation / Future Land Use Map – Industrial



CURRENT ZONING AND APPLICATIONS

This commercial property is zoned C-G which has the following conditions:

16.3 General Commercial District (C-G)

(1) The purpose of the C-G General Commercial District is to provide an environment for a variety of commercial uses, some of which involve the outdoor display/storage of merchandise or materials.

Minimum Lot Size:10,000 sq. ft.

Minimum Width at Front and Rear Setback60 feet

Minimum Yard Setback Requirements:

Front Yard and Corner Side Yard10 feet Interior Side YardNone

If an Interior Side Yard is provided it shall not be less than4 feet (or match the easement width, whichever is greater)

Rear Yard10 feet

Buffer Yards required in accordance with Chapter 9, Landscaping, on any lot abutting a lot in a residential district.

Maximum Building Height45 feet

Building sides visible from a street shall submit building face plans to the City to review and approve the artistic look of the building that will be seen by the public.

HISTORY
Amended by Ord. 2022-14 on 8/3/2022

This residential/rural property is zoned A-10 which has the following conditions:

14.1 Agricultural Districts - A

The purposes of providing an agriculture district are to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

- (1) Minimum Lot Size:10 acres.
- (2) Minimum Width at Front and Rear Setback165 feet.
- (3) Minimum Frontage (at the property line on a public street or an approved private street)100 feet.
- (4) Minimum Yard Setback Requirements: (Amended 9/01)

Front	Yard40	feet.	Rear	Yard
.....60	feet	Side	Yard		
.....20	feet	Rear	Yard	for	Accessory Buildings
.....7.5 feet	On corner lots, 2 front yards and 2 rear yards are required.				

- (5) Maximum Building Height45 feet

Proposed Zoning:

The MU Zoning District "shall allow residential developments and those uses allowed in the C-N, C-S, and C-G districts as permitted or conditional uses as specified in the regulations for these districts." Chapter 19a Mixed Use District/ 19a.2 Permitted Uses

The MU Zoning District also provides that "All properties developed under the Mixed Use District that are one acre or greater shall include at least 50% of the land area as commercial fronting the major street." Chapter 19a Mixed Use District/ 19a.1 Purpose and Intent

GENERAL PLAN CONSIDERATIONS

Economic Development

Goals + Policies + Economic Development

Goal 1. Define the Core. Maintain Grantsville’s Main Street as the primary retail commercial, office and business area.

- 1. Formulate standards so that new commercial uses are encouraged to locate in the Main Street Corridor, including protecting the existing residential uses. 2. All new commercial or mixed-use developments will be

designed and constructed in a way that will promote the existing characteristics of the historic architectural styles of Grantsville.

Goal 2. Priority Areas. Recognize economic opportunity areas identified by the community and prioritize them for long-term development.

1. Zone priority areas selectively and focus incentives and investments in those areas. 2. Grantsville City will create an economic development / industrial policy and reevaluate it annually.

Goal 3. Administrative Business Incentives. Grantsville is a business-friendly community that actively seeks ways to encourage business.

1. Streamline the development process for priority businesses (like restaurants and office space). 2. Utilize incentives for desired businesses, specifically ensuring that necessary services are provided within the community. 3. Grantsville will continue to maintain a quick and efficient business and development permitting process. 4. All commercial and industrial developments will provide adequate buffer and screening treatments to protect the desirability and amenities of adjoining properties.

Strategies - Economic Development

1. Designate a council member who is responsible for business recruitment, relationship, or regulations that fit the local economy. 2. Develop an incentive program to attract retail businesses of greatest leakage including auto sales, general merchandise stores, and building & garden. 3. Develop incentive programs to keep jobs local. Encourage greater investment in broadband capacity to keep jobs local. 4. As resources become available, work with the Salt Lake Chamber of Commerce to receive the Governor's award for being a business-friendly community. 5. Identify, inventory, and assemble underutilized parcels for redevelopment within the commercial corridors and nodes.

PLANNING COMMISSION RESPONSE

First discussion Only on December 6th.

NEIGHBORHOOD RESPONSE

None at the posting of this report.

PLANNING STAFF ANALYSIS

The owners of this property, George Sanders and Linda Nelson, have owned and operated Sea Base Alpha (Bonneville Seabase) since July of 1998. For over 25 years they have worked to provide an exceptional and important "inland sea" for divers and marine biologists throughout Utah and the United States. They have also sought to utilize the unique features of their rural property to facilitate celebrations and special events at the remote edge of Grantsville City.

They wish to sell a triangle shaped parcel of about 5 acres that lies to the West of State Road 138. This parcel is not an advantage to the Sea Base Business Plan or of any interest to the owners. They desire to generate some working capital to renew the Sea Base Facilities after downturn in revenues as a result of COVID restrictions and at lean water year. The water

drought has resulted in less warm waters and prohibits warm water diving in the winter. Their current zoning does not allow the creation of parcels of land less of than 10 acres. This property was originally in Tooele County and was previously zoned Mixed Use.

Rezoning to the Mixed Use Zone (MU) would increase the possibilities that a developer interested in this property could propose higher density residential units then some would desire. The MU zoning designation requires a Conditional Use Process (PUD) which would require a detailed review and approval by the Planning and Zoning Commission as well as the City Council. The owners have expressed a desire to live and work where they are and maintain this property as a spacious and attractive recreational facility in spite of other offers and proposals presented by land developers.

Sea Base has operated a Special Events Venue and a Recreational Camping site adjacent to their dive operations for many years. It is their wishes to continue this use for these purposes and continue to offer an affordable alternative to short term accommodations for those individuals or families that are not able to rent or buy a home because of financial hardships. The MU designation will assist in their ongoing plans to build their business and provide event venues and alternative housing for many of Grantsville's population.

PLANNING STAFF RECOMMENDATION

Grantsville City Planning Staff, City Engineer, Dan England, and Planning Consultant, Shay Stark, have reviewed this request for a General Plan Change and Rezone and feel that this is an appropriate and beneficial zoning change in this area of Grantsville. We also feel that this is the right process to assist these property owners develop and utilize their land in a way that provides needed event and lodging resources as well as recreational amenities in this outlying area of Grantsville.

AGENDA ITEM #2

Discussion of the rezone of 74.89 acres located approximately at 1600 N SR-138 HWY to go from A-10 and C-G designations to MU designation.

AGENDA ITEM #3

Discussion of Grantsville Transportation Master Plan (MTP) / Active Transportation Plan (ATP) / Main Street Master Plan



Planning and Zoning

336 W. Main Street • Grantsville, UT 84029

Phone: (435) 884-1674 • Fax: (435) 884-0426

Grantsville Master Transportation Plan (MTP), Active Transportation Plan (ATP), Main Street Master Plan Summary

Parcel ID:	Grantsville. Utah	Meeting Date:	Dec. 07, 2023
Property Address:	N/A	Current Zone/Proposed Zone	N/A
Applicant Name:	Grantsville City Community and Economic Development Department		
Request:	Dan England, Cavett Eaton		
Prepared by:	Cavett Eaton		

PROJECT DESCRIPTION

These documents represent the results of a grant awarded to Grantsville City for a City Wide Traffic Study and a Main Street Master Plan. The Active Transportation Plan (ATP) and the Main Street Master Plan was added to the report as addendums to the original.

The Master Transportation plan was approved by City Council in August of 2022.

A steering committee consisting of consultants, city staff and select city council members was formed to evaluate and recommend future Grantsville needs in the near and far future.

The Active Transportation Plan (ATP) is intended to be incorporated into the TMP, and gives more specific considerations for bicycling and walking improvements in Grantsville.

The Main Street Master Plan focuses on a core area located between Center Street and Bowery Street. Within the core area, from Center Street to Hale Street, this area will be the proposed Downtown core. While Hale Street to Bowery Street will be the core area exploring character-defining elements such as community signage, gateways, gathering places, and sidewalk enhancements. This plan is a proposal to Grantsville City to create a more useable and pedestrian friendly environment intended to encourage pedestrian traffic and attract our residents to the downtown area.

PROJECT IMAGES

This entire plan is a PDF file that includes 110 pages. It is attached as a separate file because of its length. We have included a few of the representative pages from each plan.

Figure 3. Existing Roadway LOS

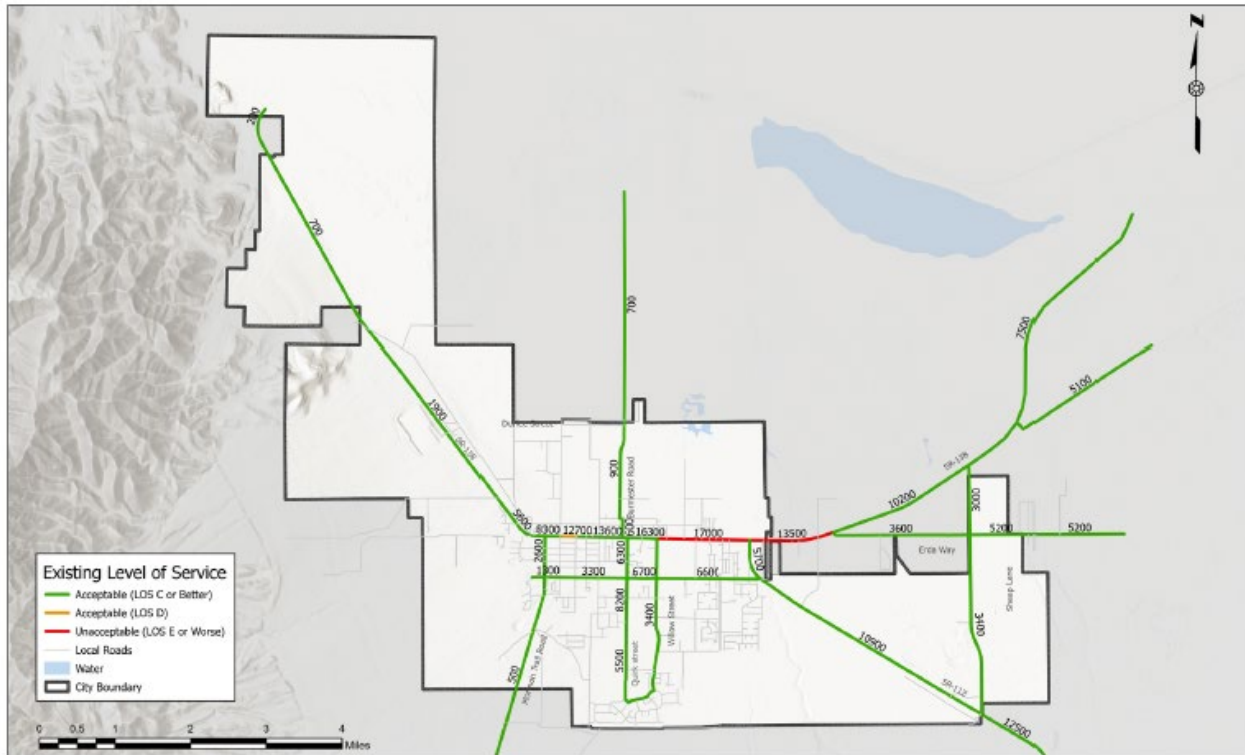
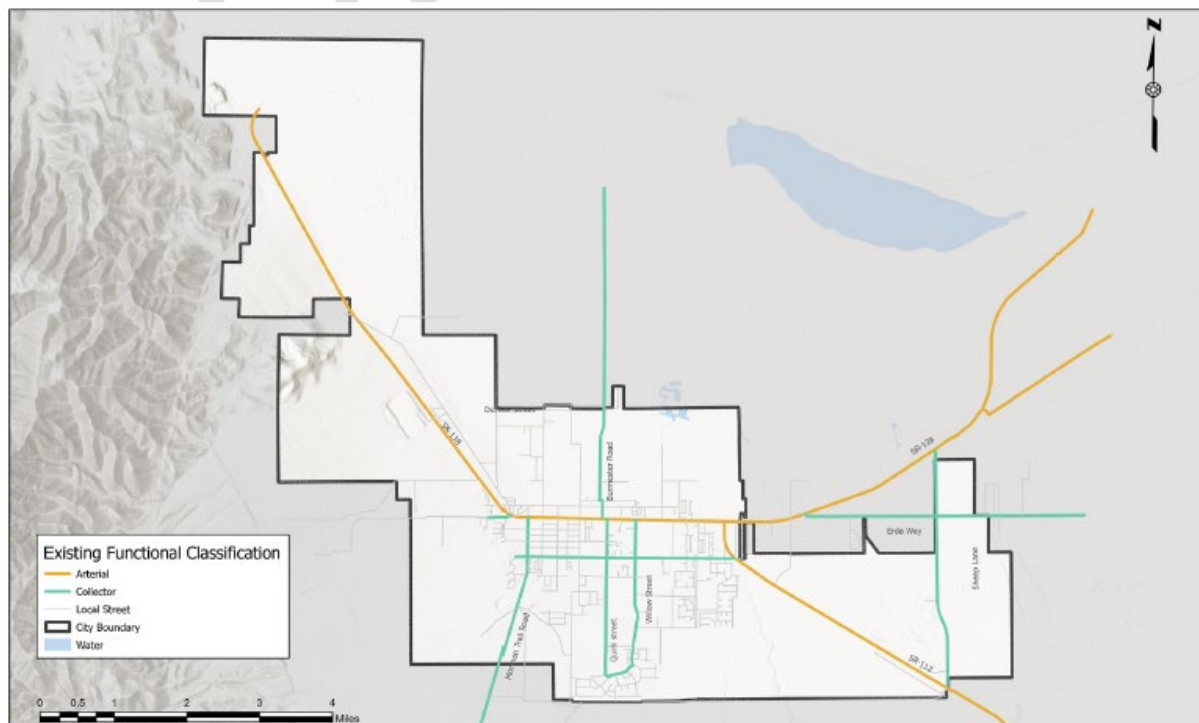
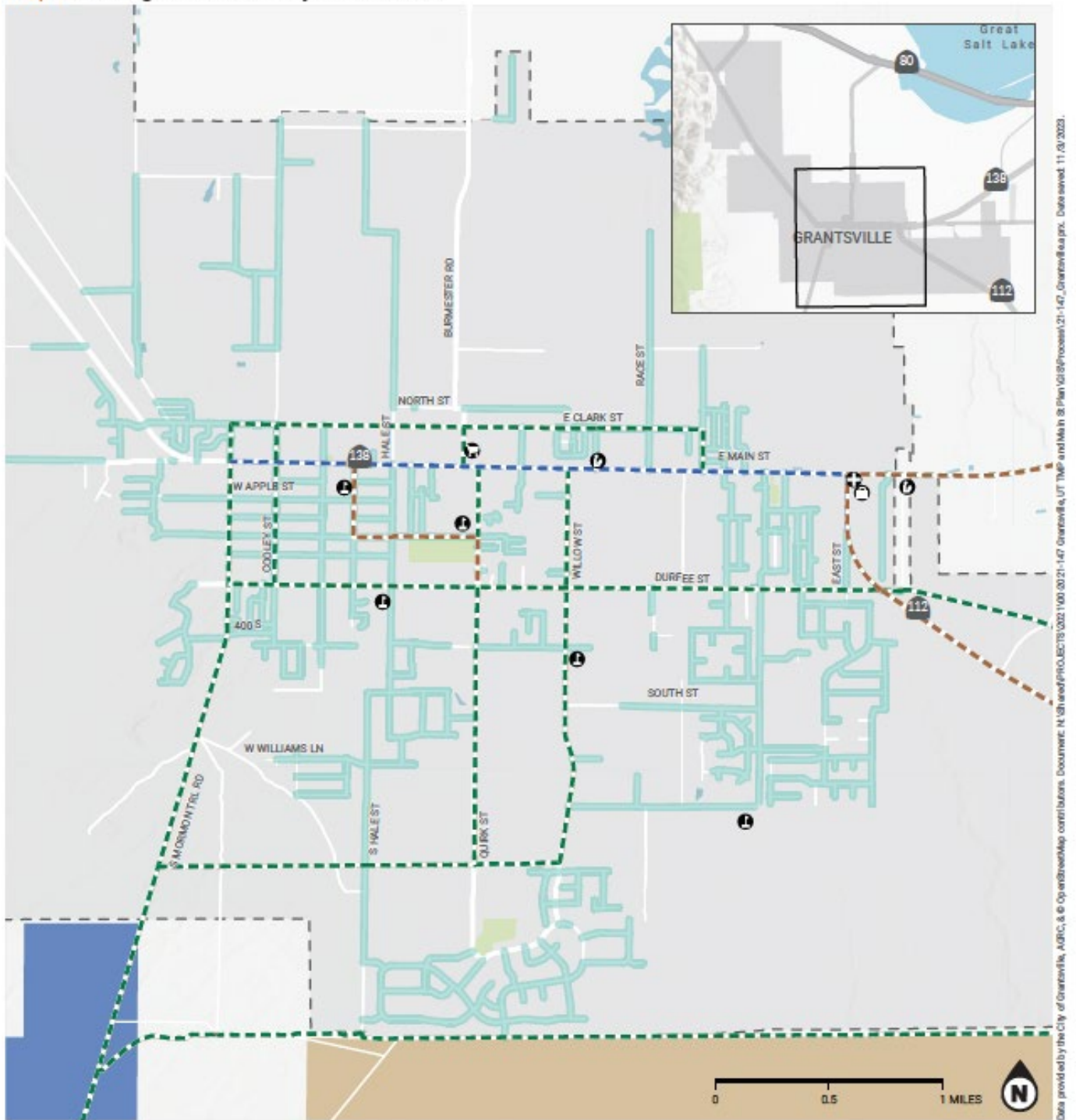


Figure 7. Existing Functional Classifications



Map 1. Existing & Planned Bicycle Network



EXISTING CONDITIONS

GRANTSVILLE CITY

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Base Map

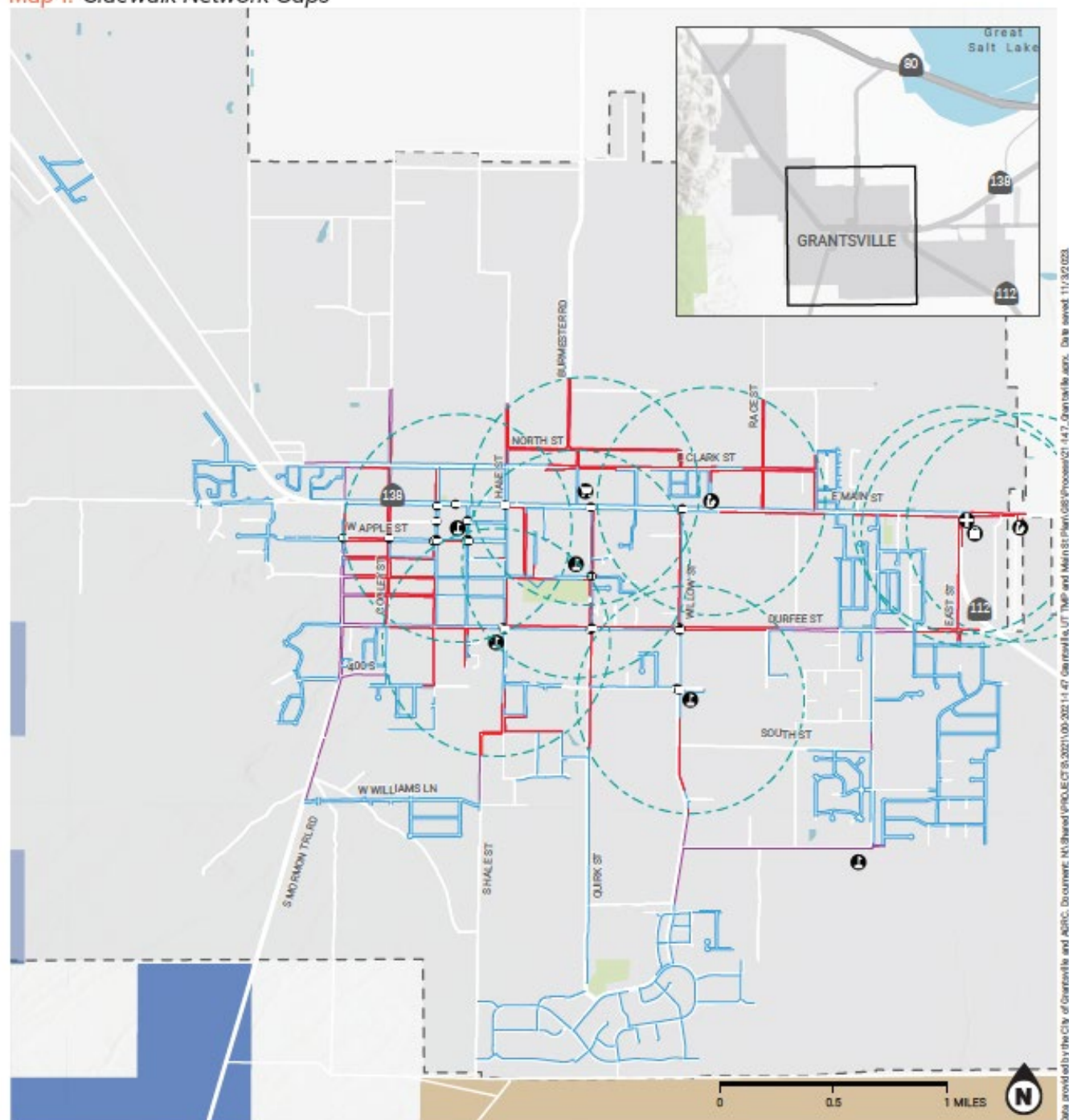
Boundaries

- Grantsville City Boundary
- Dept of Defense
- State Trust Lands
- Water
- Parks

Destinations / Transportation

- S School
- G Grocery Store
- L Library
- M Medical Center
- R Retail Node
- Local Roads ≤ 25 MPH (From © OpenStreetMap)
- Planned Bike Facilities (From UDOT Unified Plan)**
 - Painted Bike Lane
 - Parallel Pathway
 - Unknown Facility Type

Map 1. Sidewalk Network Gaps



SIDEWALK ANALYSIS

GRANTSVILLE CITY

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Base Map

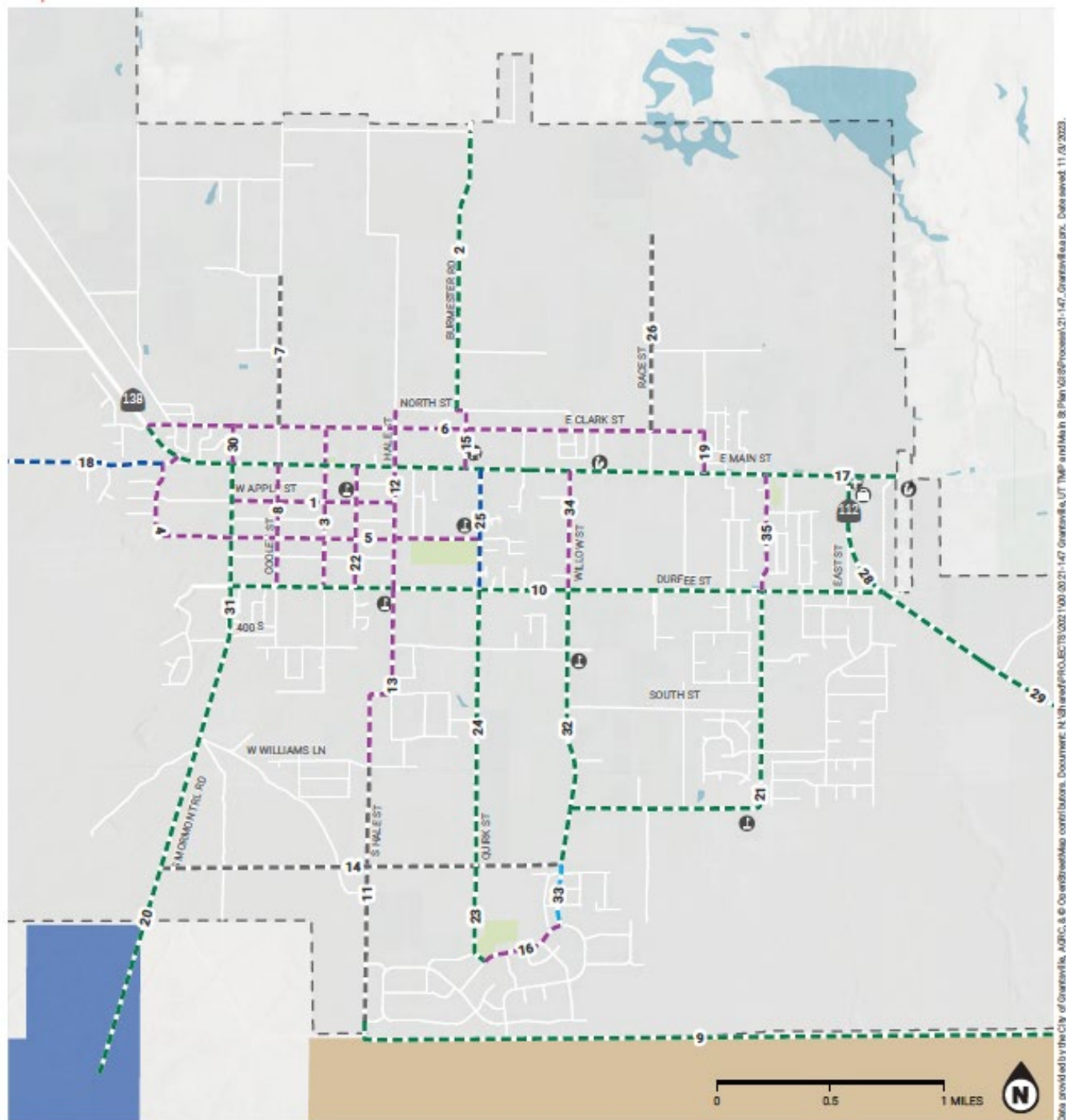
Boundaries

- Grantsville City Boundary
- Dept of Defense
- State Trust Lands
- Water
- Parks

Destinations / Transportation

- School
- Grocery Store
- Library
- Medical Center
- Retail Node
- Existing Marked Crossings
- Existing Sidewalks (As of 12/13/22)
- Sidewalk Gaps
- Sidewalk Gaps within Buffers
- 1/2 Mile Destination Buffer

Map 2. Recommended Bike and Trail Facilities



RECOMMENDED BIKEWAYS AND TRAILS GRANTSVILLE CITY

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Base Map

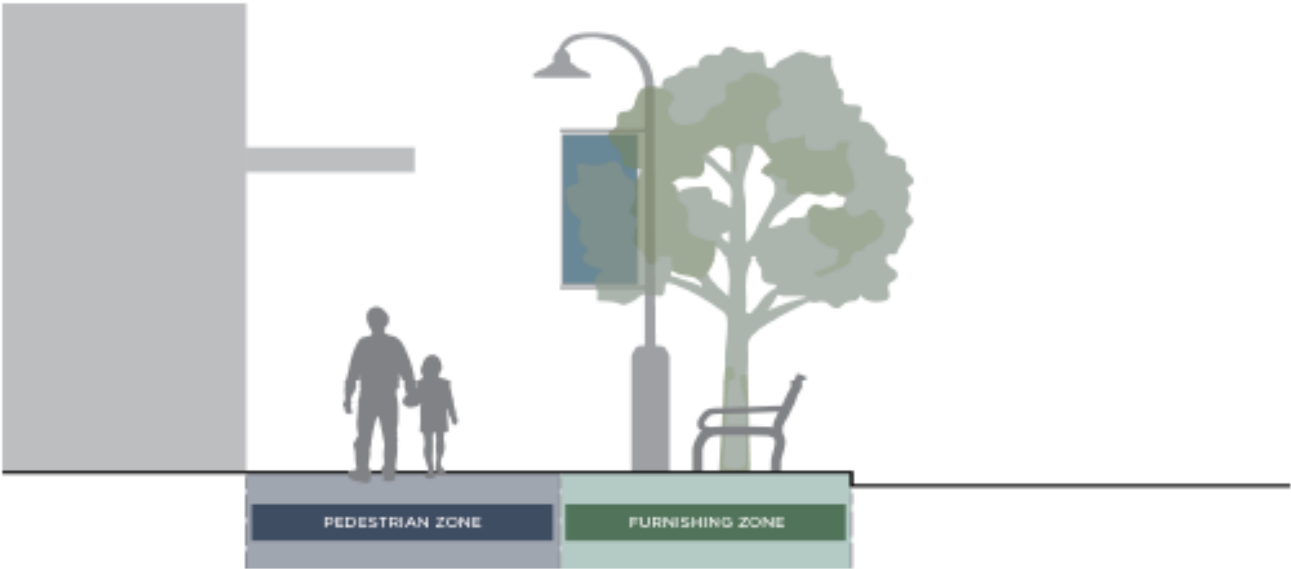
Boundaries

- Grantsville City Boundary
- Dept of Defense
- State Trust Lands
- Water
- Parks

Destinations

- Paved Trail
- Buffered Bike Lane
- Bike Lane
- Neighborhood Byway
- TBD

MAIN STREET MASTER PLAN ➤ GRANTSVILLE, UT



NEIGHBORHOOD RESPONSE

No public hearing has been held. Notice will be sent out and hearing planned for Dec. 21, 2023 Planning Commission meeting. This presentation is for Discussion for Dec. 7th.

AGENDA ITEM #4

Presentation of Concept Plan for SJ
Company

AGENDA ITEM #5

Discussion regarding Grantsville
Land Use and Management Code
Chapter 21 Subdivisions,
Chapter 12 Planned Unit
Developments, Chapter 7
Conditional Uses, & Update on
Zoning Administrators Check Lists
and Processes

Chapter 21 Subdivisions

Proposed Amendments

Proposed Revisions

~~Proposed Deletions~~

Comments or ongoing staff discussion.

Language in Question

21.1 General Provisions

21.1.1 Short Title

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

21.1.2 Purpose

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

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

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

21.1.3 Authority

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

21.1.4 Definitions And Applicability

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

21.1.5 Jurisdictions And Penalties

(1)

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

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

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

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

GLUDMC Chapter 12 Planned Unit Developments Proposed Amendment November 29, 2023

~~Red Strike Through~~ = To Remove

Green Underline = Added Text

Blue Text = Further Discussion

12.1 Purpose

(1) A planned development is a distinct category of conditional use. As such, it is intended to encourage the efficient use of land and resources, promote greater efficiency in public and utility services, preservation of open space, efficient use of alternative transportation and encouraging innovation in the planning and building of all types of development. Through the flexibility of the planned unit development technique, the City and developer will seek to achieve the following specific objectives:

(a) Creation of a more desirable environment than would be possible through strict application of other City land use regulations through promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities. The developer shall detail the proposed variation from Grantsville City ordinance requirements and explain how this variation will lead to a more desirable environment;

(b) The use of design, landscape or architectural features to create a pleasing environment while preserving desirable site characteristics such as natural topography, vegetation and geologic features as open space and providing recreational facilities. For projects containing a residential component containing more than a single dwelling unit at least 10% of the total parcel acreage shall be improved, fully landscaped, amenity rich, active open space. In addition, All Planned Unit Development projects shall conform at a minimum with open space and improved open space requirements found in Chapter 21. Topography with slopes greater than 30% on average with a site area greater than 5,000 square feet, natural water bodies and drainages shall be protected;

(c) Preservation of buildings which are architecturally or historically significant contribute to the character of the City;

(d) Establishment of interconnecting paths and trails for alternative transportation routes which lead to common and popular destinations and interface with automobile traffic at few and specific points. Onsite paths and trails shall connect to the citywide trail system. Trails connecting to the citywide system shall be considered public trails allowing for public use; and

(e) Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation; and

(f) Provide residential housing that conforms with the State moderate income requirements.

HISTORY

Amended by Ord. 2019-08 on 4/17/2019

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

12.2 Authority To Modify Regulations

(1) The Planning Commission shall have the authority in approving any planned development to change, alter, modify or waive ~~any~~ certain provisions of ~~this~~ the land use Code as they apply to the proposed planned development. Public Health, and Safety issues including but not limited to; line of site, public utilities and associated easements, secondary and emergency access, and quantity of required parking are outside of the Planning Commission authority to modify or waive. No such change, alteration, modification or waiver shall be approved unless the Planning Commission shall find that the proposed planned unit development:

(a) Will achieve all of the applicable purposes for which a planned development may be approved pursuant to Section 12.1. It is recognized that not all properties include historic or blighted structures, nor will all purposes specifically apply to non-residential uses and thus may be considered "Not Applicable".

Residential projects that do not seek to increase the overall density allowed within the applicable district shall not be required to provide a moderate-income housing element unless the applicant otherwise desires to provide moderate income or affordable housing. For residential projects requesting additional density, at least 50% of the requested increased density shall meet state moderate income standards.

(b) Will not violate the general purposes, goals and objectives of [this Code](#) and of any plans adopted by the Planning Commission or the City Council.

12.3 Minimum Area

Discuss, Do We keep this section? If so do we need to add the MU?

(1) A planned development proposed for any parcel or tract of land under single ownership or control shall have a contiguous minimum net site area for each zoning district as set forth below:

<u>Zoning District</u>	<u>Minimum Planned Development Size</u>
Agriculture District, A	80 Acres
Rural Residential District, RR-5	20 Acres
Rural Residential District, RR-1	10 Acres
Residential District, R-1-21	10 Acres
Residential District, R-1-12	5 Acres
Multiple Residential District, RM-7	5 Acres
Multiple Residential District, RM-15	5 Acres

(2) Notwithstanding any provision herein to the contrary, any lot or parcel legally created or existing as of the effective date of this Code (July 15, 1996), that is currently located in a commercial or industrial zoning district, may in the discretion of the Planning Commission and City Council, be developed as a Planned Unit Development, even if said lot or parcel does not contain the above stated minimum net site area, provided said development is determined to comply with the other requirements of this Chapter.

12.4 Application Procedure

(1) ~~Except as required by this section, the application and approval procedures for planned unit developments are the same as is specified in the Subdivision Regulations contained in Section 2 and Section 4 of Chapter 21 of this Code. Planned unit developments shall also comply with the other provisions of Chapter 21, where applicable, including design standards for subdivision.~~ If required by code or the applicant is seeking proposed variations to a Grantsville City Ordinance, a PUD application shall be submitted and approved prior to the submittal of a development application such as a Preliminary Plat application.

(2) ~~In addition to the application requirements for subdivisions,~~ an applicant for a planned unit development shall submit the following information with the ~~Preliminary Plat~~ application:

(a) The applicant shall submit a concept plan, that is drawn to scale and is legible if printed on an 11x17 sheet. At a minimum, the concept plan shall include:

- i. The proposed configuration of lots and types of uses proposed for the property.
 - ii. Street rights-of-way, open spaces and other proposed common area or public use spaces shall be shown.
 - iii. Information shall be provided detailing minimum lot sizes, number of proposed lots for each type of use and calculations for over all areas for each type of use.
 - iv. Where proposed uses do not match uses on adjoining properties, a continuation of the adjoining use shall be implemented for lots against the lot boundary or a passive use landscaped buffer of at least 50 feet wide containing trees and privacy fencing shall be included. No lighting shall be allowed to reside in the 50-foot buffer and no light shall escape onto adjacent properties. Landscaped buffer areas may be counted as open space if the open space complies with the requirements found in GLUDMC Section 21.1. For commercial properties that are not in use at night parking may encroach into the buffer area but trees and fencing are still required between the parking and the property boundary. Properties smaller than three acres or containing narrow areas of less than 200 feet may be granted modifications to the buffer width in those narrow areas if applicants and Planning Commission agree on an acceptable alternative such as transitions in architectural design that complement the neighboring uses.
- (a) ~~At the preliminary phase,~~ the applicant shall submit a written statement addressing each of the standards set forth in GLUDMC Section 7.8 herein entitled, Determination, when applicable and how the proposed development will promote the objectives set forth in Section 12.1 ~~pf~~ of this Chapter. The statement shall explain specifically how the proposed planned unit development relates to each such standard and promotes a listed objective;
- (b) ~~At the preliminary phase,~~ the applicant shall submit a written statement indicating specifically what change, alteration, modification or waiver of any zoning or development regulations is being sought by the developer, if any. The proposed variations shall include specific references to the affected ordinances and a comparison of the requirement and proposed variations. The applicant shall also provide an explanation of how the proposed variation benefits the development and the surrounding community and explain the steps that are proposed to mitigate the effects of the proposed variation on the ordinance.
- (3) The approval of the PUD application ~~final plan or final plat (if required)~~ shall include approval of ~~the final development plan and~~ all special conditions applicable to the planned unit development. All special conditions and approved variations to the GLUDMC shall be included in a Development Agreement which shall be approved by Planning Commission and City Council. The final plan or plat together with the final development plan and special conditions for the planned unit development, rather than any other provision of this Code, shall constitute the use, parking, loading, sign, bulk, space and yard and other regulations applicable to the subject property, and no use or development, other than a home occupation or temporary uses, not allowed by the final plan or plat development plan and conditions shall be permitted within the area of the planned unit development. The final plan or final plat shall include a notation of any changes, alterations, modifications or waivers of the regular standards of the zoning district and of this Code and shall list any special conditions.
- (4) Any party aggrieved by the final decision of the Planning Commission, regarding a planned unit development, with respect to ~~a concept phase, preliminary plan or plat, final plan or plat, the development plan or~~ changes, alterations, modifications or waivers either granted or denied, may appeal such decision to the City Council, whose decision shall then be final. All appeals to the City Council must be in writing and filed with the Zoning Administrator within thirty (30) days of the date of the decision appealed from and prior to any further consideration by the Planning Commission of a subsequent step in the planned unit development approval process. Only the final decision of the City Council with respect to the Final Plan or plat, Development Plan or changes, alterations, modifications or waivers either granted or denied may be

appealed to the District Court, provided such appeal is filed within thirty (30) days of the decision of the City Council. Said appeal shall be filed with the City Recorder and with the Clerk of the District Court.

(5) No planned unit development approval final-plan (that does not include a subdivision) shall be valid for a period longer than one year unless a building permit has been issued, construction has actually begun within that period and construction has been diligently pursued. Upon written request of the applicant, the one year period may be extended by the Planning Commission for such time as it shall determine for good cause shown, without further hearing.

12.5 Adjustments To Development Plan

(1) No major alteration or amendment to a the-final development plan that would alter or expand the intent of the provisions in the approved PUD shall be made without a new application being filed and processed pursuant to the provisions of this Chapter. Minor alterations to a development plan that do not include a subdivision of land, may be made subject to written approval of the Planning Commission when such adjustments appear necessary in light of technical or engineering considerations. Such minor adjustments shall be limited to the following elements:

(a) Adjusting the distance as shown on the approved ~~final~~-Development Plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;

(b) Adjusting the location of any open space. The size or amount of open space that was approved shall not be compromised.

(c) Adjusting any final grade, and

(d) Altering the types of landscaping elements and their arrangement within the required landscaping buffer area.

(2) Such minor adjustments shall be consistent with the intent and purpose of the Code and the PUD provisions ~~Final-Development Plan~~ as approved, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such adjustments would result in a violation of any standard or requirement of this Code.

(3) Any adjustment to the ~~approved-Final~~ Development Plan that would alter or expand the intent of the provisions in the approved PUD and is not authorized by this Section, shall be considered to be a major adjustment. The Planning Commission following notice to at least all adjoining property owners, may approve an application for a major adjustment of the ~~Final~~-Development Plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the provisions of the approved PUD ~~final-Development Plan~~. If the Planning Commission determines that a major adjustment is not in substantial conformity with the provisions of the PUD ~~Final-Development Plan~~ as approved, then the Planning Commission shall review the request in accordance with the procedures set forth in Section 12.4.

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

(2)

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

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

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

21.1.6 Creation Of Substandard Lots Prohibited

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

21.1.7 Agricultural, Industrial, And Mining Protection Areas

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

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

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

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

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

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

21.1.8 Notice Of Shooting Range Area

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

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

21.1.9 Definitions

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

~~As used in this chapter:~~

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

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

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

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

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

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

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

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

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

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

~~"Subdivision" includes:~~

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

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

~~"Subdivision" does not include:~~

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

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

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

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

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

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

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

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

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

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

21.1.10 Plats Required

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

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

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

(2)

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

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

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

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

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

21.1.11 Agricultural Exemptions From Plat Requirements

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

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

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

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

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

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

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

21.1.12 Open Space Applicability Of Regulations

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

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

21.1.13 Site Analysis Map

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

(2) The site analysis map shall include:

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

21.1.14 Use Of Open Space

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

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

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

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

HISTORY

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

21.1.15 Open Space Requirements

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

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

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

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

HISTORY

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

21.1.16 Open Space Networks Configuration

The minimum standards for open space networks are as follows:

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

21.1.17 Open Space And Conservation Areas

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

21.1.18 Primary Conservation Areas

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

21.1.19 Value Of Primary Conservation Areas

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

21.1.20 Secondary Conservation Areas

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

21.1.21 Ownership And Management Of Open Space

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

21.1.22 Prohibited Uses Of Open Space

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

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

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

21.1.23 Requirements Of Conservation Easements

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

21.1.24 Notice Of Disclosure

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

21.1.25 Conservation Subdivisions, Open Space, And Density

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

21.2 Subdivision Application Procedure

21.2.1 Diligence

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

21.2.2 Application Procedure

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

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

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

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

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

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

21.2.3 Zoning Administrator To Determine A Complete Application

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

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

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

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

21.2.5 Appeal Of Zoning Administrator's Determination Of Completeness

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

21.2.6 Concept Plan Requirements

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

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

HISTORY

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

21.2.7 Preliminary Plat Requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(k) total project area;~~

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

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

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

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

~~(B) the city engineer;~~

~~(C) the city planner;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21.2.8 Final Plat Infrastructure Design And Engineering Drawings Requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21.2.9 Final Plat Requirements

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

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

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

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

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

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

~~(f) graphic scale;~~

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

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

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

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

~~(k) signature blocks for:~~

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

~~(ii) the city engineer;~~

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

~~(iv) the city attorney;~~

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

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

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

~~(viii) the county surveyor;~~

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

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

21.2.10 Development Review Committee

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

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

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

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

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

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

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

HISTORY

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

21.2.11 Determination of Appropriate Process

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

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

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

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

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

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

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

21.3 Lot line Adjustments

21.3.3 Lot Line Adjustments

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

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

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

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

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

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

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

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

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

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

HISTORY

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

21.4 Subdivisions

21.4.1 Application

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

HISTORY

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

21.4.2 Approval Process

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

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

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

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

(d) The city council shall review the final plat, infrastructure and design drawings, at a public meeting where it can approve or deny the plat and design drawings. If approved, the final plat shall be recorded within 365 days or it shall be void. ~~This process must change to meet state code.~~

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

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

HISTORY

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

21.4.3 Phase Development

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

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

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

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

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

HISTORY

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

21.4.4 Concept Plan Do we rename to Pre-Application Meeting? We can expand to 15 days.

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

21.4.5 Preliminary Plat And Infrastructure Design Application

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

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

~~(a) the application form;~~

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

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

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

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

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

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

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

~~(f) utility approval forms;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Within ~~24~~ 14 days after the applicant or authorized representative submits an application that has been determined by the zoning administrator to be complete, a development review conference shall be scheduled with the applicant, and members of the DRC. Representatives of affected entities such as; county health department, county recorder, and any other private or public body that has jurisdiction or an interest in providing public or utility services to the subdivision shall also be invited to attend the design review conference and provide comments.

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

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

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

21.4.6 Utility And Agency Response

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

21.4.7 Final Plat Stage Application

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

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

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

~~(a) the application form;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Within ~~24~~ 14 days after the applicant or authorized representative submits an application that has been determined by the zoning administrator to be complete, a development review conference shall be scheduled with the applicant, and members of the DRC. Representatives of affected entities such as; county health department, county recorder, and any other private or public body that has jurisdiction or an interest in providing public or utility services to the subdivision shall also be invited to attend the design review conference and provide comments.

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

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

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

21.4.8 Appeals

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

21.5 Planned Unit Development Subdivisions

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

21.5.1 Application

~~(1) A planned unit development is required for:~~

~~(a) a master planned residential community; or~~

~~(b) multiple family dwellings with or without the subdivision of land.~~

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

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

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

If a Planned Unit Development (PUD) is required due to zoning requirements or because an applicant would like to request variations to the GLUDMC for a proposed development, a PUD application shall be submitted and approved prior to submitting a development application. PUD Application Requirements are found in GLUDMC Chapter 12 Planned Unit Development.

21.6 Design Standards

21.6.1 Application

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

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

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

21.6.2 Lots

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

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

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

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

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

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

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

21.6.3 Streets

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORY

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

21.6.4 Frontage On Arterial And Collector Streets

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

21.6.5 Sidewalks, Curbs, And Gutters

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

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

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

HISTORY

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

21.6.6 Blocks

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

21.6.7 Monuments

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

(2) Block and lot monuments shall be set.

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

21.6.8 Easements

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

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

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

21.6.9 Utilities To Be Underground

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

21.6.10 Sewer Systems

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

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

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

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

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

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

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

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

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

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

21.6.12 Water Supply

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

(2) The supply of water from a source other than an approved public water system may be approved only if proof of adequate water rights and proof of water availability, flow and quality meeting the Safe Drinking Water Standards by a water sample from wells on ten percent of the lots rounded up to the next whole number and approval of the system is granted through either the Tooele County Health Department or Utah State Drinking Water Board, as applicable. In the preliminary stage, the ~~subdivider~~ developer shall show possession of sufficient water rights to provide domestic use for the total number of dwellings being proposed for the entire development. The design stage for the first phase of development shall include the engineering for the water system for the entire development to include a fire flow calculation. If the ~~subdivision~~ development is not being connected to the city public water supply, the county health department shall approve the location of the test wells prior to the ~~subdivider~~ developer drilling them. The samples shall be taken by, and have a complete chemical analysis performed and approved by the county health department. All drinking water systems shall meet the standards of Tooele Health County Department Regulation # for non-public systems, or the Utah State Drinking Water Board, Utah Administrative Code R-309 for systems that fall under the requirements of a public water system⁵.

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

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

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

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

HISTORY

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

21.6.13 Storm Drainage And Flood Plains

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

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

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

21.6.14 Fugitive Dust Control

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

HISTORY

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

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

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

21.7 Financial Assurance

21.7.1 Improvement Installation Guarantee

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

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

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

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

HISTORY

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

21.7.2 Default

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

21.7.3 Maintenance Guarantee

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

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

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

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

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

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

HISTORY

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

21.7.4 Acceptance And Release Of Guarantee

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

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

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

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

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

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

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

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

HISTORY

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

21.7.5 Engineering Review And Inspection Fee

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

21.8 Vacation, Alteration, And Amendment Of Subdivision Plats

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

21.8.1 Vacating Or Changing A Subdivision Plat

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

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

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

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

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

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

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

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

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

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

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

(9)

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

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

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

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

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

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

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

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

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

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

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

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

21.8.3 Vacating Or Altering A Street Or Alley

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

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

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

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

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

GLUDMC Chapter 12 Planned Unit Developments Proposed Amendment November 29, 2023

~~Red Strike Through~~ = To Remove

Green Underline = Added Text

Blue Text = Further Discussion

12.1 Purpose

(1) A planned development is a distinct category of conditional use. As such, it is intended to encourage the efficient use of land and resources, promote greater efficiency in public and utility services, preservation of open space, efficient use of alternative transportation and encouraging innovation in the planning and building of all types of development. Through the flexibility of the planned unit development technique, the City and developer will seek to achieve the following specific objectives:

(a) Creation of a more desirable environment than would be possible through strict application of other City land use regulations through promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities. The developer shall detail the proposed variation from Grantsville City ordinance requirements and explain how this variation will lead to a more desirable environment;

(b) The use of design, landscape or architectural features to create a pleasing environment while preserving desirable site characteristics such as natural topography, vegetation and geologic features as open space and providing recreational facilities. For projects containing a residential component containing more than a single dwelling unit at least 10% of the total parcel acreage shall be improved, fully landscaped, amenity rich, active open space. In addition, All Planned Unit Development projects shall conform at a minimum with open space and improved open space requirements found in Chapter 21. Topography with slopes greater than 30% on average with a site area greater than 5,000 square feet, natural water bodies and drainages shall be protected;

(c) Preservation of buildings which are architecturally or historically significant contribute to the character of the City;

(d) Establishment of interconnecting paths and trails for alternative transportation routes which lead to common and popular destinations and interface with automobile traffic at few and specific points. Onsite paths and trails shall connect to the citywide trail system. Trails connecting to the citywide system shall be considered public trails allowing for public use; and

(e) Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation; and

(f) Provide residential housing that conforms with the State moderate income requirements.

HISTORY

Amended by Ord. 2019-08 on 4/17/2019

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

12.2 Authority To Modify Regulations

(1) The Planning Commission shall have the authority in approving any planned development to change, alter, modify or waive ~~any~~ certain provisions of ~~this~~ the land use Code as they apply to the proposed planned development. Public Health, and Safety issues including but not limited to; line of site, public utilities and associated easements, secondary and emergency access, and quantity of required parking are outside of the Planning Commission authority to modify or waive. No such change, alteration, modification or waiver shall be approved unless the Planning Commission shall find that the proposed planned unit development:

(a) Will achieve all of the applicable purposes for which a planned development may be approved pursuant to Section 12.1. It is recognized that not all properties include historic or blighted structures, nor will all purposes specifically apply to non-residential uses and thus may be considered "Not Applicable".

Residential projects that do not seek to increase the overall density allowed within the applicable district shall not be required to provide a moderate-income housing element unless the applicant otherwise desires to provide moderate income or affordable housing. For residential projects requesting additional density, at least 50% of the requested increased density shall meet state moderate income standards.

(b) Will not violate the general purposes, goals and objectives of [this Code](#) and of any plans adopted by the Planning Commission or the City Council.

12.3 Minimum Area

Discuss, Do We keep this section? If so do we need to add the MU?

(1) A planned development proposed for any parcel or tract of land under single ownership or control shall have a contiguous minimum net site area for each zoning district as set forth below:

<u>Zoning District</u>	<u>Minimum Planned Development Size</u>
Agriculture District, A	80 Acres
Rural Residential District, RR-5	20 Acres
Rural Residential District, RR-1	10 Acres
Residential District, R-1-21	10 Acres
Residential District, R-1-12	5 Acres
Multiple Residential District, RM-7	5 Acres
Multiple Residential District, RM-15	5 Acres

(2) Notwithstanding any provision herein to the contrary, any lot or parcel legally created or existing as of the effective date of this Code (July 15, 1996), that is currently located in a commercial or industrial zoning district, may in the discretion of the Planning Commission and City Council, be developed as a Planned Unit Development, even if said lot or parcel does not contain the above stated minimum net site area, provided said development is determined to comply with the other requirements of this Chapter.

12.4 Application Procedure

(1) ~~Except as required by this section, the application and approval procedures for planned unit developments are the same as is specified in the Subdivision Regulations contained in Section 2 and Section 4 of Chapter 21 of this Code. Planned unit developments shall also comply with the other provisions of Chapter 21, where applicable, including design standards for subdivision.~~ If required by code or the applicant is seeking proposed variations to a Grantsville City Ordinance, a PUD application shall be submitted and approved prior to the submittal of a development application such as a Preliminary Plat application.

(2) ~~In addition to the application requirements for subdivisions,~~ an applicant for a planned unit development shall submit the following information with the ~~Preliminary Plat~~ application:

(a) The applicant shall submit a concept plan, that is drawn to scale and is legible if printed on an 11x17 sheet. At a minimum, the concept plan shall include:

- i. The proposed configuration of lots and types of uses proposed for the property.
 - ii. Street rights-of-way, open spaces and other proposed common area or public use spaces shall be shown.
 - iii. Information shall be provided detailing minimum lot sizes, number of proposed lots for each type of use and calculations for over all areas for each type of use.
 - iv. Where proposed uses do not match uses on adjoining properties, a continuation of the adjoining use shall be implemented for lots against the lot boundary or a passive use landscaped buffer of at least 50 feet wide containing trees and privacy fencing shall be included. No lighting shall be allowed to reside in the 50-foot buffer and no light shall escape onto adjacent properties. Landscaped buffer areas may be counted as open space if the open space complies with the requirements found in GLUDMC Section 21.1. For commercial properties that are not in use at night parking may encroach into the buffer area but trees and fencing are still required between the parking and the property boundary. Properties smaller than three acres or containing narrow areas of less than 200 feet may be granted modifications to the buffer width in those narrow areas if applicants and Planning Commission agree on an acceptable alternative such as transitions in architectural design that complement the neighboring uses.
- (a) ~~At the preliminary phase,~~ the applicant shall submit a written statement addressing each of the standards set forth in GLUDMC Section 7.8 herein entitled, Determination, when applicable and how the proposed development will promote the objectives set forth in Section 12.1 ~~pf of~~ this Chapter. The statement shall explain specifically how the proposed planned unit development relates to each such standard and promotes a listed objective;
- (b) ~~At the preliminary phase,~~ the applicant shall submit a written statement indicating specifically what change, alteration, modification or waiver of any zoning or development regulations is being sought by the developer, if any. The proposed variations shall include specific references to the affected ordinances and a comparison of the requirement and proposed variations. The applicant shall also provide an explanation of how the proposed variation benefits the development and the surrounding community and explain the steps that are proposed to mitigate the effects of the proposed variation on the ordinance.
- (3) The approval of the PUD application final plan or final plat (if required) shall include approval of ~~the final development plan and~~ all special conditions applicable to the planned unit development. All special conditions and approved variations to the GLUDMC shall be included in a Development Agreement which shall be approved by Planning Commission and City Council. The final plan or plat together with the final development plan and special conditions for the planned unit development, rather than any other provision of this Code, shall constitute the use, parking, loading, sign, bulk, space and yard and other regulations applicable to the subject property, and no use or development, other than a home occupation or temporary uses, not allowed by the final plan or plat development plan and conditions shall be permitted within the area of the planned unit development. The final plan or final plat shall include a notation of any changes, alterations, modifications or waivers of the regular standards of the zoning district and of this Code and shall list any special conditions.
- (4) Any party aggrieved by the final decision of the Planning Commission, regarding a planned unit development, with respect to ~~a concept phase, preliminary plan or plat, final plan or plat, the development plan or~~ changes, alterations, modifications or waivers either granted or denied, may appeal such decision to the City Council, whose decision shall then be final. All appeals to the City Council must be in writing and filed with the Zoning Administrator within thirty (30) days of the date of the decision appealed from and prior to any further consideration by the Planning Commission of a subsequent step in the planned unit development approval process. Only the final decision of the City Council with respect to the Final Plan or plat, Development Plan or changes, alterations, modifications or waivers either granted or denied may be

appealed to the District Court, provided such appeal is filed within thirty (30) days of the decision of the City Council. Said appeal shall be filed with the City Recorder and with the Clerk of the District Court.

(5) No planned unit development approval ~~final plan~~ (that does not include a subdivision) shall be valid for a period longer than one year unless a building permit has been issued, construction has actually begun within that period and construction has been diligently pursued. Upon written request of the applicant, the one year period may be extended by the Planning Commission for such time as it shall determine for good cause shown, without further hearing.

12.5 Adjustments To Development Plan

(1) No major alteration or amendment to a ~~the final~~ development plan that would alter or expand the intent of the provisions in the approved PUD shall be made without a new application being filed and processed pursuant to the provisions of this Chapter. Minor alterations to a development plan that do not include a subdivision of land, may be made subject to written approval of the Planning Commission when such adjustments appear necessary in light of technical or engineering considerations. Such minor adjustments shall be limited to the following elements:

(a) Adjusting the distance as shown on the approved ~~final~~ Development Plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;

(b) Adjusting the location of any open space. The size or amount of open space that was approved shall not be compromised.

(c) Adjusting any final grade, and

(d) Altering the types of landscaping elements and their arrangement within the required landscaping buffer area.

(2) Such minor adjustments shall be consistent with the intent and purpose of the Code and the PUD provisions ~~Final Development Plan~~ as approved, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such adjustments would result in a violation of any standard or requirement of this Code.

(3) Any adjustment to the ~~approved Final~~ Development Plan that would alter or expand the intent of the provisions in the approved PUD and is not authorized by this Section, shall be considered to be a major adjustment. The Planning Commission following notice to at least all adjoining property owners, may approve an application for a major adjustment of the ~~Final~~ Development Plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the provisions of the approved PUD ~~final Development Plan~~. If the Planning Commission determines that a major adjustment is not in substantial conformity with the provisions of the PUD ~~Final Development Plan~~ as approved, then the Planning Commission shall review the request in accordance with the procedures set forth in Section 12.4.

AGENDA ITEM #6

Approval of minutes from Aug. 3, 2023
Planning Commission work meeting

Action Summary

#1 PUD process (continued)	Discussion
#2 PUD elements	Discussion

MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION WORK MEETING HELD 08/03/23. THE MEETING WAS HELD IN THE GRANTSVILLE CITY HALL AT 429 EAST MAIN STREET AND ON ZOOM.

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

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

Commission chair Jaime Topham officially called the meeting to order at 6:01 pm

AGENDA:

1. Discussion of PUD process (continued)

Jaime Topham – So we're going to give about 30 minutes to each item, so we'll start with the process. It looks like Gary's provided us with, I assume this was Gary. He's provided us kind of a recommendation for proposed changes to the development with an actual PUD process and steps. Is that right? Gary, was this your proposal?

Gary Pinkham – I tried to put down what's been discussed along what everybody wants, pretty much.

Jaime Topham – So we all just basically got it, so bear with us while I read it.

Rick Barchers – No, you've handed this out before, haven't you?

Cavett Eaton – No, this is new.

Rick Barchers – This is new? New revised edition?

Gary Pinkham – About half of it basically on that mandatory concept plan forward you guys got about a month ago. This steps up front and address how to address this stuff. You may notice I referenced a couple of state codes that I think are pertinent.

Kevin Hall – Is it correct to assume that the other city staff has reviewed it and you're okay with it?

Cavett Eaton – We saw it this afternoon at about one o'clock.

Gary Pinkham – I just put it together actually this morning when I saw what the work agenda was. Dan's had it since noon, and the rest of you have had it for about five minutes.

Cavett Eaton – But we have talked about this. None of this is new.

Jaime Topham – Well, I like the idea of having identified steps. I think that's kind of something that will help us and will help the developers understand what they need to do.

Gary Pinkham – But I think on that step one, they've pretty much got that one covered with the format that they have to follow and the pieces they have to submit.

Cavett Eaton – We're doing all this digital now, so I provide them with a couple of files that explain what we want from them and then an explanation letter, and we just sent one of these out to Worthington Ranches, so if you want to see how we sent it to them, I can send it to you. They've done 30 concept plans, so they're halfway there.

Jaime Topham – So step three mentions a review committee. What review committee are we? Is that like our DRC committee?

Gary Pinkham – The regular drawing review committee.

Jaime Topham – Okay. All right.

Gary Pinkham – Unless you guys want to put somebody else together on that list, I think that's the group that probably know what to look for.

Shay Stark – Yeah, I think it's important to point out a lot of these applicants don't know the code inside and out, and so when they submit this initially... I think this is great how he's got it laid out here, but when they submit that concept, and they submit that list of variances, from what I see they do really well at hitting the variances that are in the particular zone in the section of code that deals with that particular zone.

But beyond that, they don't go much further into the code. There's a lot of other sections like our chapter four, which is just a bunch of general codes that apply to everything, they don't go into that, and yet we seem to have a lot of sections in there where there's variances associated to that.

So, having this review committee is really important to catch that early on and be able to come back to them with how many ever pages it becomes of this list of, "Here's all the ordinances that we see that you're really asking variances for," so that then we can work down through that with them through the whole process.

Jaime Topham – Yeah. Well, it seems like if they are asking for variances, they've got to do a lot more digging and figuring out than just a regular subdivision. That kind of needs to be their due diligence, not coming in, I don't the word I'm looking for, without a lot of skill behind them. They're asking for a bunch of variances.

Cavett Eaton – I had a developer the other day say we should just make PUDs mandatory for every development. Because he wants to just ask for whatever he wants to and it all fits.

Jaime Topham – Well, and then we'll all do... if we say a whole lot of no's.

Lanise Thompson – I know it's a little bit difficult, but if you can step up to a mic, it makes the recording process and the minutes a lot easier.

Jaime Topham – Yeah. Sorry, I should know this.

Kevin Hall – And I'm assuming that in step three the variances will be identified, right, before they ever come to the planning commission. Is that correct?

Shay Stark – Yes, That's what should happen, and that gives staff the opportunity to work through those and talk to them about, essentially, I guess, you could say negotiate, but talk to them about here's what we will accept and what we won't accept and kind of help them to put together, too, so that when they come to planning commission that they can give you a sales pitch specifically on what they're asking for.

Rick Barchers – So hopefully we can skip past this, "I want this," stage instead of, "Here's your benefit for giving me what I want," stage. That makes sense instead of just coming in it and saying, "I want those..." I want these variances just because I do instead of some... I mean, because There has to be that trade off and that can be discussed with them at that point instead of coming in here with 40 pages of stuff they want.

Gary Pinkham – That's where I kind of mentioned it down there that if there are variances that they might be eligible for, there would most likely be conditions associated with that.

When the review committee looks at this, these developers come in and say, "I want a narrow lot, and I don't want any setbacks, and I want to be able to encroach out in the street." That is their list of variances. What they're not doing is saying when we do this, they're also needing to do something with parking and public utilities with some site distances.

Like Shay says, that's the global aspect of a variance. Narrowing a lot impacts many different pieces of our code. The review committee, Shay's done a couple of them now where he's on Desert Edge, Deseret Commons, where he's had 50 or 60 items, and I've done the same.

I've had as many as 64 for development that was presented to us with a half a dozen. But those half a dozen would require other pieces of our code to be addressed as well, because, for instance, our lot width is designed to accommodate the two spaces per lot is your parking the state code requires and we require.

When you narrow it, that gets into the parking ordinance. Where do you put the parking? Well, the parking either has to be somewhere else on the street or it has to be in a dedicated parking space that meets the parking requirements on, I think, chapter six, off-street parking.

So, they would need to go into them and do that. So, when it comes to you, it should be kind of framed out and say... and perhaps weeded out between the review committee and them. They may decide they don't want a narrow lot if they've got a put parking lots all over the place.

Rick Barchers – Well, they're coming in wanting narrower lots and narrower streets, and that's just like a double whammy. I don't think they understand that.

Gary Pinkham – If they're still going to meet state law and city code on parking, they need to go build parking. We're talking 20 and 30 and 40 lot or space lots that be our parking code. They may say, "Oh, well, the heck with that. We'll just go back and to make a standard lot."

So, in the process they may decide they don't want that big list, but here are the few they want, and there may be considerations that you guys would need to look at to apply conditions and/or limits on what they do. Once it gets to that point, then it becomes an action item for you guys to say, "Well, yeah, we'll go here, we won't go there, and this is what we need."

Everybody starts talking about trade-offs. It's not really trade-offs. What they're doing is mitigating the impact of their changes to us. A pickleball court doesn't mitigate for the loss of parking or street access. One thing on some these narrow lots and narrow streets is where are you going to put the garbage cans? The narrow street and no parking strip puts the sidewalk behind the curb. Where do you put the traffic signs that meet the traffic code, the federal uniform traffic code?

You can't put the sign in the middle of the sidewalk. Where do you put your fire hydrant? You got to put it on private property now. So, there's a lot of consequences of these changes that you guys need to look at and place conditions upon if you're going to go there.

Rick Barchers – Right. I like that that process is occurring before we get here, because, I mean, what you just said about where are you going to put the street signs, well, we were talking about this Matthews Lane having the sidewalk right up next to the street, then it's private property on the other side of the sidewalk, so where are you going to put street sign? But for us to go through and nitpick each one of those little items while they're there arguing with us about it is almost impossible.

Gary Pinkham – Well, I think that's where the review process would weed it down to the few ones that they're willing to pay for, and I don't mean money. I mean if they're going to narrow the lot, they got to put parking somewhere else. They've got to accommodate that.

The last I expect, and I think these two guys brought it up some time ago, is the moderate-income housing deal. A month ago I mentioned that if you guys go this route and go to smaller lots, maybe you make it condition upon them making a moderate-income home. They all come in here and say, "We want to make little lots to make them affordable." Let's make official.

Jaime Topham – Lanise?

Lanise Thompson – Talking about moderate income housing, I live in over on Middle Circle and Plaza Circle, and I know when McNeil did those, he did two lots that had to be moderate income housing, and they weren't built when we first moved in. Those two houses were built later, and the people that live in, they have deed restrictions that stay with the property. I don't know all the negotiations about it, but that's something, I guess. It has been done in the past.

Gary Pinkham – That would help, I think, get us into state compliance with the city's action on moderate income housing, too.

Jaime Topham – Yeah, so our moderate-income housing, you're probably right, falls more under our PUD elements.

Gary Pinkham – There's probably a different topic.

Jaime Topham – And we promised to stay on task, so we're going to have to stay on task.

Rick Barchers – I'm trying. I'm trying.

Jaime Topham – I liked it. Nicely done. So as far as this having process steps, how do you guys feel about proposal that's in front of us?

Rick Barchers – I feel great about it. I don't think I could find anything except for the typo on number five that I can pick out. Seriously. I mean it looks great to me

Jaime Topham – I think maybe I'd just add in in step three that defined who is going to be reviewing it. So, if it's the DRC. Otherwise I like it. I think it's reasonable. I think it's well spelled out and addresses our concerns and hopefully we pass some concerns to the developers so they have more of a guidance on what it is they're coming in and asking for.

Gary, I really appreciate your input about you're asking for this variance, but you're not considering the 10 other variances that's going to create and having that review process so that it can go over that. I think even with the Matthews Lanes ladies that are kind of looking for feedback, that same process would help them. If we had a basic development or process, no, a concept plan, the actual drawn out plan and then their detailed list of those actual variances, that helps, because when they come with just the plan on a piece of paper, it's very difficult to envision all of the variances that they're actually asking for. But also vice versa when they come with just written variances, but don't show us what it maybe is going to look like, I think that's equally difficult. So, I like the idea of requiring that to be a concept plan. My question, I guess, for Brett would be, if we require them to do this concept plan and process, are they then vested, or when does vesting happen for them?

Brett Coombs – So it depends how we develop the process in our code. If possible, they would probably become vested in the PUD itself, and so essentially any of the variances that are granted in the PUD, they would become vested after that.

Jaime Topham – With just that basic concept plan and then the list of the variances as long as we approved all those variances.

Rick Barchers – But the review committee wouldn't put them vested just because they got past the review committee, correct? Is that kind of-

Cavett Eaton – The PUD has to be approved by you. Once that's approved.

Jaime Topham – Yeah. Well, and city council.

Cavett Eaton – No. planning commissions approve the PUD.

Gary Pinkham – The thing you all need to remember is that whatever variance that you guys may elect to go forward with by state law has to go through a public notice, a public hearing, and your action. That action would result in a recommendation to city council, who in turn, would have a public notice, public hearing, because it is in fact a change of the code for their project.

Jaime Topham – So, Brett, is that a correct interpretation?

Brett Coombs – So no, a variance is a variance to what the code is providing, but there are two different types of variances. One is a variance that's going to go to your board of adjustment, and there's very specific rules that require when a variance to a board of adjustment can be approved.

A PUD is a different type of variance. In our code a PUD variance does not need to go to city council. The planning commission is given the authority from city council to grant variances under the PUD process. As for public hearings, there's no requirement that you hold a public hearing for a PUD. There's a requirement that you hold a public hearing for a preliminary plat, but not for a PUD.

Rick Barchers – I have a question. How do we make the variances conditional? In other words, they say, "Oh, yeah, well, you said we could have this variance. If we did that, would that change their mind on this other part of it?" Is there a mechanism to enforce that?

Brett Coombs – You could do that in the development agreement. So, you say it's part of the development agreement approval that you have to have that condition as part of it.

Jaime Topham – So I guess that brings us to the timing of the development agreement. Then it would make sense to do a development agreement prior to preliminary if for the PUD section part of it, right?

Brett Coombs – Yes.

Jaime Topham – So then after we've approved it, so then looking at number five, Brett, do you have that in front of you? So how would this need to be? Or do we need to rewrite this in any way to be in compliance with our particular code?

Brett Coombs – So, the preliminary plat, I think it's accurate. The preliminary plat needs to follow state law. It needs to include a public notice, comment section, planning commission review, and recommendations to the city council. But it does not require a second public notice and comment section. The public hearing is before the planning commission.

Jaime Topham – Okay. So that says preliminary development agreement. Gary, are you anticipating that to be the actual development agreement? Is that why you're stating in step five is the development agreement?

Gary Pinkham – I said here a couple of months ago, is that upfront we need to formalize this process for those variances that they can then develop their preliminary and final package on.

However, during the review of the preliminary and final, which includes the design aspects, water, sewer modeling issues, the traffic plan, so on, there may be additional information that comes out of that process and the drawing review process in the preliminary and final phase that would need to be incorporated into a final draft or added as an amendment to the development agreement to bring in things such as maybe offsite sewer requirements, or special traffic consideration, things of that nature, that come up during that phase.

But this gets us to the point where, as the ladies with Matthews have been asking, "Tell us what we are going to be permitted to do before we go to the engineers and start spending money on drawings."

It also makes it possible for you to put down what it is you are willing to do so that Dan, and Shay, and I, and James can look at it and see that, okay, they're meeting the code with these variances, they're also meeting the conditions you put on, and then we can review the drawings to see if they're in compliance with them.

Rick Barchers – So that's number three. Where we talking? Are we still on five? I'm sorry.

Gary Pinkham – It would actually come in in the preliminary phase...

Jaime Topham – Six.

Gary Pinkham – Because at this point you guys have agreed to and authorized the variances with whatever conditions. They would then incorporate those into a preliminary package where they flush out the drawings to show the street widths, the lot sizing, the setback, et cetera, and any other things that they may require such as parking lots. And then it would come to the drawing review committee again, and we would look at it to see if they are meeting that code with the variances and providing the engineering drawing. There's a lot of other stuff that's in there too, the utility consent to serves and all the other stuff that goes into the package.

Brett Coombs – So can I clarify something, Jaime?

Jaime Topham – Yeah.

Brett Coombs – So step five, it's not a preliminary plat, just a preliminary development agreement. Is that...?

Jaime Topham – Yeah.

Brett Coombs – Okay. So, for a development agreement, you are going to need a public hearing, but, again, it's only before planning commission. Okay. And our code requires that the development agreement go before planning commission and then city council, so it'll need to take two steps.

Now the issue that you're going to have is most developers are not going to want to enter into a preliminary development agreement and a final development agreement. They want a development agreement. I don't know that we can title it as preliminary or final. It's just going to be the development agreement. If you need to make a change later, you make an amendment to it.

Jaime Topham – It's as part of the preliminary process after the PUD's process step. It's now into the preliminary. That's when the second review happens, preliminary. So, they get the PUD packet, they fill it out, they provide us all of their concept plan and then all of the variances. It goes to the DRC's committee, and they flush out even more variances that may be in effect and have communications.

Then they set it in front of us, we review it, we decide what we will agree to, we won't agree to, and that becomes... Then once we've kind of done that, we've got... Or somewhere in that process, we need to have the public hearing and approval.

And then once that's done, then they can create draft and create a development agreement that can be used to incorporate all those, and then from there they can submit the preliminary application and start incorporating it. Right?

Kevin Hall – If they're vested at that point, doesn't the public hearing need to take place prior to that so that we're not-

Brett Coombs – Prior to the development agreement?

Cavett Eaton – PUD accepted or approved.

Kevin Hall – So if in that meeting they come vested, and we haven't had the public hearing, isn't that backwards? It seems like it's backwards, that the public should be able to give input before they're tied to it.

Shay Stark – I think the key point here is what they're vested with. The purpose of this process, what they're vested with is variances to the code. They're not vested with a specific subdivision, because they may come back at, when this is all over. They give us a concept, they give us a pretty picture to look at so we can try to get a feel of what their vision is of what they want to try to do, but they may not get all the variances that they want. When they come to preliminary, it could end up being something totally different, laid out totally different, totally different number of units than what we saw with the PUD. That's probably something we need to make clear as this is written into the code, is to make clear that everybody understands that the only thing that comes out of this process, the only thing they're vested with is variances based on their agreement to take certain mitigative steps.

Kevin Hall – So the public doesn't have the opportunity to speak about the variances then, right?

Shay Stark – Well, they do in that public hearing with that development agreement that would come before you as part of this PUD process.

Kevin Hall – I guess I'm confused, because, again, you're saying the public hearing's going to come at the preliminary stage.

Shay Stark – No, I'm saying that you have a public hearing for the development agreement that comes at the PUD stage.

Jaime Topham – So it's like step four or step five is where we'd have that public hearing.

Gary Pinkham – Which is still in the concept realm of things.

Brett Coombs – Yeah. And then you're going to have a second public hearing at the preliminary plat stage.

Jaime Topham – When they're actually showing us what they want to develop.

Kevin Hall – Okay, thanks.

Brett Coombs – Yeah, so you end up having two public hearings on a project.

Gary Pinkham – In this mandatory concept plan, I kind of pointed out some of the clauses that we may need to address or how we would have to address them. Brett's going to have work us over to address things like time invested and how the state law works and stuff.

My goal there was to just kind of say, hey, these are the kinds of things we need to fix in the chapter 21 in order to make this concept process a mandatory part of the PUD. Because right now all subdivisions, including PUDs, the concept is not mandatory. They'll be chunked right into the preliminary, and that's where we're having all the problems is, "Guys, you can't go here from there."

Jaime Topham – I think the process that's proposed makes sense, and it streamlines it a bit better and gives us an idea, and then, yes, it adds in one more step for them, but they're also doing a huge, typically, really big development with a lot of different changes. And if they don't want to do that, then they can stick with the regular plan.

Rick Barchers – I'm good with that idea. Stick with the regular. If you want come in with 50,000 variances, then you don't want address them...

Jaime Topham – But I guess that briefly back to one other question, though, is that our mixed use requires them to do a PUD. So, do we want to look at making a change there where it's not required, or we do want to keep that requirement, because I mean the whole idea of a PUD is the thing that we want to build is not conducive to what is in there.

Gary Pinkham – In the mixed-use requirement?

Jaime Topham – Yeah.

Gary Pinkham – The mixed use is what we're looking at here on Desert Edge, and it's got 64 variances required to meet the code. Because of the mixed lot sizes, mixed types of residential uses, and the commercial that they've peddled out, but still they need to present a concept, and they still need to have these 50 or 60 issues resolved before they do like they've done, present us with 75 sheets of engineer drawings.

Jaime Topham – Well, that's what I'm saying, though, do we want it as a standard practice that if it's in the MU, then they have to do a PUD, or do we say it's in the MU, as long as you meet the code, you can do what you want. If you want to do something different than the code requires, then you got to be able to do a PUD like other places.

Rick Barchers – Well, an MU, though, is basically is a PUD, isn't it? Am I wrong?

Jaime Topham – Not necessarily, no.

Cavett Eaton – It allows them to use the zoning and the code from a lot of different zones, and that's probably a good reason to have the PUD is it makes them define what's going on. So tonight, you're going to see an MU with a PUD that we've kind of combined, because it's a commercial property, and it's really simple. So, it works well for them, but it doesn't have to be 30 pages long, because there's not that much to it.

Gary Pinkham – Matthews is a perfect example of an MU proposal. They've got everything in the kitchen sink in there from lots and open space to apartments, to town homes, to single family, to commercial. I can't envision anybody having a mixed-use parcel that would want to do something on it without somebody having to look at the code. Maybe I'm wrong.

Rick Barchers – Yeah, I don't think if they came... Like using your example, if they came in and wanted to do the whatever percentage commercial, whatever residential, as long as they followed a residential code, it wouldn't need a PUD, but that never seems to happen.

Jaime Topham – But what I'm saying is that, and we can take this as food for thought, every MU piece requires a PUD. What I'm seeing is there could be some pieces, parcels in the MU that doesn't really need a PUD, but we are requiring them to do so with another step and another set of reviews and more time. Does that make sense? Does a PUD make sense for every piece of MU? Yeah.

Shay Stark – As you say that, in my mind it's us promoting the idea of them coming in with variances.

Jaime Topham – Yeah, right. That's good.

Shay Stark – So, do we need to tell them that they have to, that they're required to do that, or just notify them when they come in and they are asking for something different that "Hey, you're required to go through... You've got to go through a PUD process, because you're asking for variances," not create the situation up front that, oh, obviously we're willing to accept variances for this.

Jaime Topham – Right. Because I mean that's exactly the issue is the MU code says is if you have to bring it as a PUD process.

Kevin Hall – Today it says that?

Jaime Topham – That's what it says, right?

Rick Barchers – As do several of the commercial zones.

Jaime Topham – Yeah, as do several of the commercial zones, you have to do it as a PUD.

Shay Stark – And if you're doing apartments, you have to do them as a PUD, too. I think that's a good point. Maybe there's something we need to add in to the zoning so that they do look at the codes up front. I don't know. I don't know why we have to tell them you need to look at the codes up front. They should be doing that anyway.

But maybe there is something that we look at it and go, yeah, there's possibly some complexity here, so maybe there is some other requirements we need to add into the zoning. But I think I agree with you that really all we're doing is promoting the idea of them asking for variances, because that's what in every developer's mind, that's purely what a PUD is that, "Okay, they're telling me I can ask for more density."

Gary Pinkham – If we look at the code, and I had a look into those areas there, if you reword it to if the development will require variances from the code, then PUD shall be required.

Jaime Topham – Yeah, we can make that a pretty simple change.

Gary Pinkham – Make it kind of a step that would be required if they're going to want to tweak our code.

John Limburg – Then it's just like any other zone, right, because that's what we do in any other zone. So, if we take that out of there, it's going to make them not think that they're automatically going to get variances if they have a mixed-use parcel.

Gary Pinkham – That might be something we want to look at in those other zoning classifications as part of this modifications to the code.

Rick Barchers – We're going to have to look at the MU, then, all over again, because if I remember right when we're going through that, we referred to, well, some of those will be covered because it's a PUD, so we have to review everything anyway. Am I wrong?

Shay Stark – So what if in these situations, because I'm just thinking through our current PUD ordinance and what we really ask for. We have at the very first of it, we have these goals of what we would like, that we would like to see them do. And then we're asking them to list a bunch of variances, explain to us the benefits and how these are going to benefit them.

And then the other thing that's in there is they're supposed to go down through the list that's in the conditional use of 7.8. There's a big long list of questions that are, we call them standards, that we ask them to respond to how they're going to meet those standards. It seems like if you take that whole issue of asking for variances out of that, what if on these commercial projects, these apartments, the MU, what if we tell them that they need the mandatory part of it is that they need to address those standards, or require a conditional use permit with all of those projects. We have that opportunity to review the complexities of the project and we ask those questions, but it's outside of those variances. If they find they want to ask for variances, then we go to the PUD. That, again, is requiring those same standards, so we're just asking them additionally to spell out the variances and what those benefits are to that proposed project and to the city.

Jaime Topham – Okay. Good food for thought. We have to transition, though, Brett, will you keep in your mind at some point to look at the language and see if there's a way, or see what it implies as far as does it imply variances are going to be allowed if we tell you have to do a PUD, and we can have a conversation about that in the future?

2. Discussion of PUD elements

Jaime Topham – Okay, so transitioning to the PUD elements, so one thing that I wrote down was smaller lots. So, if we're going to allow smaller lots, then do we require parking? They have to come up with parking spaces elsewhere?

Because I think what I've heard from Rick, in particular, and others, is we really don't want to be flexible on things that have to do with design elements that are necessary or safety issues. So if that's the case, what are we willing to be flexible on if we allowed smaller lots?

Because one of the thoughts that I had, and I think this came up with Northstar is a long time ago, one of the things they requested was that they be allowed to do smaller lots so that they could maintain all of those big washes. That seems like appropriate use of PUD or appropriate variance. We're going to cluster these homes, not increase the density, just cluster, make smaller lots so that we can maintain these really important washes.

Or I think, Worthington Ranch was an example of that as well. We're going to cluster these lots up here so that we can protect this, what was conservation. And that's a whole other can of worms we're not going into. It's only an example, but those things kind of made sense.

Rick Barchers – Yeah, but I don't personally have a problem with clustering for reasons like you're talking about. However, it shouldn't be combined with ever, in my opinion, increasing the number of... increasing the density on the overall property, right? Because that's starting, well, they're going to allow smaller lots in this zone, so now we can put more greater density in there. I don't think we should ever allow that. Parking, yeah, definitely, because if you don't got enough parking, it becomes the city's problem. We've already got plenty of... Well, one example here locally across the street, but you go up into Tooele, and you're going to see plenty of those.

There was a place in Murray that the developer convinced them that they'd be able to build the apartment buildings cheaper. They didn't have to provide as much parking, and they got people taking Uber to go to get to their car to get work in the morning. I mean, it can really get ridiculous.

John Limburg – I think we're all on board on parking, right? I don't think we need to even... It's just, we don't give up on parking.

Jaime Topham – Right, but does it make sense to say we'll allow a smaller lot, but you have to then provide what parking would've been the normal size lot to be somewhere else in your development?

John Limburg – It's fine, I guess. What I don't want to see is, and I don't know what subdivision it is... It's the one that I just drove through again today with a horse trailer, and it felt like I couldn't... because there's cars on both sides.

Rick Barchers – The one I spoke of. It's a nightmare.

John Limburg – I mean I was six inches from both sides of the horse trailer driving down that street with cars parked on both sides.

Rick Barchers – Yeah, it's a mess.

John Limburg – There are cars up on blocks and stuff. They've got engines taken out of them sitting right there on the street. We should never allow that narrow of a street. There's not enough parking. We just can't, and they're putting them all on the road, and we can't get through.

Kevin Hall – Well, and, again, my issue with all these variances with the streets, I just don't see where any of that benefits Grantsville City at all. I don't see... We have a standard, and it was developed for a reason. The staff made comments about that. Why would we allow variance for those streets?

John Limburg – The only thing that they said is that the state was going to come in and make us do it, and I can't even remember what we're doing, but we're not being held by that so we don't need to do that.

Kevin Hall – I struggle, really, I know, Jamie, you mentioned an issue where there are things that are appropriate, but these 60 variances and streets and setbacks, and where's the utilities going to be, to me, we already have that laid out.

It's been set out. Why do we want to go in and change all that? There's really no benefit to the city. It's benefit to a developer. They can get more density, and I get that, but I just can't find in my soul that there's a benefit to Grantsville City and the citizens to allow those things to happen.

Rick Barchers – Well, if they mitigate the problems they cause would be the question, but I get where you're going.

Kevin Hall – I think in some things when you narrow the streets, I honestly don't know how you mitigate the utilities as Gary spoke of. Where do you put the signs, where do you do all that stuff? It's difficult, I think.

Rick Barchers – If it makes it past their design review, and they have things to mitigate all that stuff, then we don't have to deal with it, right, if we're going with this process we're talking about. I mean, I'm not in favor for skinny streets. They drive me absolutely crazy for the same reason that everybody here is bringing up, so I'm just saying.

John Limburg – If there's going to be an HOA, would you guys feel differently? Because there is more power there, and they will force them to not park on a street. Would you feel any different?

Jaime Topham – Dan?

Dan England – If they're going to go with the narrower streets, they need to take care of all the issues that that creates. The mayor and the city manager and I went down to Saratoga and went through some of these, and where they have driveways on the back of some of these town homes, we looked at it and 22 feet is fine for cars, no parking.

The driveway's up beside that. It was 22 feet edge of pavement, edge of pavement, plus an additional two feet on each side. So that's 26 foot right of away is the absolute minimum we thought would work. However, that does create some issues with parking. It does create some issues with no sidewalks in that area. It creates other things that need to be addressed.

Snow removal, they need to come up with a plan for those kinds of things. If we're going to go with those, and it can't be done especially in those townhome areas in the backside, where they're rear loaded, and so it's just that area, but we just need to look at, okay, if this is happening, what are they doing to mitigate those other things that it does create problems with?

Rick Barchers – I want to address kind of what you're talking about here. What time of day did you go?

Dan England – Late afternoon.

Rick Barchers – Like what time? Three?

Dan England – Yeah.

Rick Barchers – Well, the comparison of what's going on Durfee or Main Street at three in the afternoon as opposed to six o'clock in the evening or seven or eight o'clock in the morning is completely different. I've been in neighborhoods like that.

Where does UPS go? If everybody's got their trash cans out, how does somebody get their pickup into their driveway or garage? I mean they've only got 22 feet before they're running over garbage cans, or the dumpster or the UPS truck, or something. I just have been in those situations. Part of what we're supposed to do is protect the future homeowner, and what you're always referring to the character of our city. I mean, maybe building the Space Needle looks great in Seattle, but I don't think it fits Grantsville.

Kevin Hall – I struggle with why we would set ourselves up when we know there's problems with that? Why did we do that? We know it works. It's proven.

John Limburg – If we're doing it and we're sticking with it, then it's fair to everybody.

Kevin Hall – It's fair to everybody, and we know that it's going to work, and we don't have to worry about if they're going to park there and the cops don't have time to take care of it, blah, blah, blah. To me it's a simple equation.

Dan England – I understand where you're coming from, and that's a great position to come from. One of the reasons I'm not as worried on these townhomes is because they can't park on the street, anyway, because of all the driveways. For that reason, there's no parking there, anyway.

It does not answer the other things that you brought up with the garbage cans. Now the deliveries they should be around to the front, not in the back, anyway. But those things should be looked at and addressed.

But it doesn't make sense to give necessarily a 40-foot wide pavement through there if they can't park there, anyway, because they'd be blocking somebody's driveway if they did park there. And for that reason, I'm okay with a narrower street in certain situations, which tends to be the townhome situation. But there's more than just parking that needs to happen in there.

Rick Barchers – Well, one of the design issues with the townhouses that we were looking at, I mean, here recently where's the delivery truck going to go? There was no street in front of a couple of rows of townhomes. They would have to park all the way on the other side of the other townhomes for deliveries. We have to really watch those sorts of things.

John Limburg – Agreed. I just think we just need to decide what we're not going to own.

Jaime Topham – Right. What kind of stuff accept.

Derek Dalton – Sounds like only clustering is the only thing that we're good with.

Jaime Topham – Right. Increasing density is not going to be the answer. It's going to be you can cluster, but you have to provide all the same amenities somewhere else.

John Limburg – Well, I think that's kind of what we're charged with is not letting, not increasing density, protecting them.

Rick Barchers – Protect the infrastructure.

John Limburg – Protect the infrastructure. I mean, so what are we willing to let variances on? In this particular one where they got 55 and older that's a different situation where that maybe those guys want smaller lots? I don't know.

Rick Barchers – I've thought about that, and that's a great example. If you've got 10 feet out your back door, and your yard's only 10 feet wide and your neighbor's dog's has to poop, where's it going to happen? I'm just saying. I think that's a fair thing to point out. People need space. They just do. I don't have a dog, but people need space.

Jaime Topham – Maybe a 55 and older community doesn't need that kind of space.

Rick Barchers – Maybe not. But there's got to be a cutoff.

Kevin Hall – But isn't there an opportunity to address that in a PUD situation?

Jaime Topham – Yeah, that's true, and that's what the whole point was is if, are we going to try and standardize what variances we will or won't allow?

Kevin Hall – Well, I think in anything that it's impossible for us to put it all in a capsule. Because, the example of mitigating the washes, or a 55 and older community, but I think across the board, what we're seeing is these huge developments with all these variances to narrow the streets and change the setbacks and do all that, I just don't think we should do all that. I think in some situations, we can't put it all in capsule and treat everybody exactly the same. It is impossible, but I think we ought to have some standards.

Jaime Topham – Great. What are the standards?

Kevin Hall – I think there's a common sense might be a standard. I know that's might not exist.

John Limburg – Minimum lot width, we're not going to do anything on. Can we all agree that? Like the frontage?

Rick Barchers – I don't see why we should.

John Limburg – They're going to ask for a variance on the side of the lots, and we're saying, no, you can't. Like how would you even get anything by there to even pull a fire hose by that, right? Well, and they won't come out with window wells and stuff like that that are going to go past that, we just say no.

Rick Barchers – Well, if they want a lot with the variance, they have to mitigate the parking issue.

John Limburg – But still there's still safety. You can only go so narrow. I think on this one, they're trying to go too narrow.

Jaime Topham – Dan or Shay, can I ask you, so on an RM-7, what's the minimum lot width?

Shay Stark – I think it's 30. Did we, hang on, we did change it, didn't we?

Gary Pinkham – 70 feet. That gives them a 7,000 square foot lot at 70 by 100 and the code requires 12 feet between neighbors' driveways, so half of that is six. You have 20-foot driveway, that's 26, at least 44 feet. The code requires 22 feet per vehicle, two parking spaces on the curb line, which is required by state law and our code. The 70 is based on state law and physical requirements.

John Limburg – If we came up with a list of stuff that we're not going to do, it would make a lot easier on the city, and they're going to come ask for less at some point. We just go, "No, you can't do that. You can't get a variance on that item." That's kind of normal. We have time now.

Rick Barchers – Well, I mean I think that's already all lined out in the code like Gary was talking.

John Limburg – They're asking for a variance on it right now.

Jaime Topham – Yeah, I was going to say, we've seen numerous subdivisions asking for 20-foot driveways.

John Limburg – I know, but if we just said no, then they know that right up front, and they don't even bring it up.

Kevin Hall – I agree. Yeah, I agree.

Gary Pinkham – The other aspect is if they want to go narrower than 70, one foot into that, they've lost a single parking space. By code they now have to build a parking lot to compensate for that lost lot for space. They could go down to maybe 50 and still have one space in front of the house, their driveway, and the required separation of the neighbor, but they'd have to build a parking lot that provides one space for every single lot that they do add on. That parking lot needs to be within reasonable distance from the homes they're working on.

So that's the condition that you need to have is you could go to 50, but you've got to build... If you're going to do that on 10 lots, you're going to have a 10 lot, 10 space parking lot that meets our parking code within convenient distance of the home it should affect.

Jaime Topham – Well, the reason I ask that question is because we have quite a few that that are coming in front of us with 40-foot lots.

Shay Stark – That was what I was going to point out, though, is when we start talking about townhomes, obviously you're not going to get a 70-foot wide townhome, and so that's why we put that section in 4.34 that talks specifically about attached units, and that in that case it's 30 feet is the minimum width that they are allowed on that. But correct on the single-family homes that are detached, that 70 feet is the minimum lot size.

Rick Barchers – I do have one thing that I wouldn't like to do for sure, allow structures for buildings that are not currently allowed in the property as it's currently zoned. In other words, if you're RR-1, you can't get a PUD, so you put apartment buildings in that zoning area. Does that make sense?

Jaime Topham – Yeah. I think it need to follow the code

Rick Barchers – That's not what we're doing out here with the one gentleman that was in here last time. He's putting multi-unit in. That's not zoned for multi-unit.

Jaime Topham – Okay, we'll sort out that one.

Rick Barchers – Do you see what I'm saying?

Jaime Topham – Yeah, I hear you. So, are we good to wrap up tonight, and then so we can take a five-minute break before we start the meeting?

3. Adjourn

Jaime Topham made a motion to adjourn the meeting. Kevin Hall seconded the motion. And all in favor? Motion carries unanimously.

Meeting adjourn at 6:56pm

PUD PROCESS RECOMMENDATIONS AND PROPOSED CHANGES TO CHAPTER 12 PLANNED UNIT DEVELOPMENTS

PUD PROCESS STEPS:

The process for reviewing the PUD application should be broken down into three required steps, each with appropriate sub-steps where needed. This is my thoughts on how this should be set up;

1. STEP ONE: The applicant should be given the PUD Packet that describes all of the required submittal components and the phase for which is required.
2. STEP TWO: The applicant should submit a simple concept plan showing the general layout and makeup of the proposed project and a detailed list of their requested variances to the City's Land Use Code for consideration by the Planning Commission.
3. STEP THREE: The concept plan and variance list should be reviewed by the review committee and the committee should make comments including any reasonable and appropriate conditions, corrections, and add any variance issues omitted by the applicant for consideration by the Planning Commission.
4. STEP FOUR: The Planning Commission will review and take action on the variance issues as required by the City's Code and State law. Any variances to the Code shall be enacted in accordance with City Code and State Law (10-9a-532 and 10-9a-502).
5. STEP FIVE: A preliminary Development Agreement for the project should be drafted to incorporate into the project the approved concept, variances, and condition. NOTE ANY VARIANCE TO THE CODE MUST FOLLOW THE STEPS OUTLINED IN THE STATE LAW, INCLUDING PUBLIC NOTICE, COMMENT SESSION, PLANNING COMMISSION REVIEW AND RECOMMENDATIONS TO THE CITY COUNCIL, PUBLIC NOTICE, COMMENT SESSION, AND APPROVAL BY THE COUNCIL (10-9a-532 and 10-9a-502).
6. STEP SIX: After the concept plan, variances, and conditions have been approved the applicant may develop and present the preliminary plans for review. The process for review and approval of the project will proceed as defined in Chapter 21 of the City's Code for Preliminary and Final review and approvals.

MANDATORY CONCEPT PLAN:

We are now seeing very large planned unit developments (PUD) proposed. These projects are being developed with the intent of making major variances to the City's Code. The current submittal process for PUD's and subdivisions as specified in Chapters 12 and 21 does not adequately provide for the review and processing of these variances or determining what, if any, conditions must be placed on them.

This simple change to the Code will provide the City with the ability to make these variance reviews and actions prior to the applicant or the City's staff expending a great deal of time and money reviewing plans that do not meet the Code or the Code with approved variances and condition. If we can arrive at an agreeable set of Code and approved variances at the concept stage of the process we will eliminate the problems we are currently having with these project.

To date the number of required variances for Deseret Commons, Desert Edge, Sun Sage Terrace, and Mathews Ranch have run from 40 to 60 required variances for their proposed plans. These must be reviewed and Planning Commission action taken to establish which, if any, and what conditions must be met prior to preliminary plan development to insure they are meeting the Code and approved variances and condition.

Steps one through five as listed above would make up the Concept Plan phase of the PUD process.

If we insert a new paragraph in Chapter 12, Planned Unit Developments, that requires the submission of a concept plan with the proposed list of requested Code variances for review and approval prior to the preliminary submittal phase we can have a mutually agreed to basis for the PUD. Once this is done a table identifying the Code variances and conditions can be drafted and used to prepare the preliminary plans. The table shall be incorporate into the plans and any Development Agreement for the project.

This should be a new 12.4(2) and state "A concept plan phase shall be required for all PUD applications."

A new 12.4(2)(a) will state the following "The concept plan with proposed Code variances shall be submitted for all PUD applications. The proposed variances shall be reviewed by the Planning Commission and each variance shall be recommended for approval, approval with conditions, or denial by the Commission and submitted to the City Council for their final action. The resulting approved actions shall be incorporated into a table that shall be included in the preliminary and final plan sets and shall become the governing Code for the proposed PUD. The City shall have 21 calendar days to review and respond to the initial concept plan submittal and to any subsequent resubmissions until a mutually agreed to set of variances and condition is established."

The existing 12.4(2)(b) will be deleted as it is now being required in the concept phase as defined above.

The paragraphs following this new 12.4(2) will need to be renumbered.

MODERATE INCOME HOUSING:

The second change would be to add a section that will address moderate income housing as a requirement in the PUD process. The primary reason the developers are proposing PUD projects is to develop smaller lots and more density in their developments. This, if done with proper limits and conditions, is not a bad thing. One condition that should be required for any development that is incorporating smaller lots than the Code allows would be to require all of the smaller lots to be developed and dedicated as moderate income housing lots.

This is consistent with their argument that the smaller lots are being proposed to create smaller more affordable housing. Let's have them put their money where their mouth is and require them to meet the requirements and dedicate these little lots as moderate income housing lots.

A new purpose should be added into 12.1 that states that providing more affordable housing is one of the purposes that the PUD must include or meet in their design where appropriate.

A new 12.4(2)(b) will state the following "For any PUD that includes a residential housing component, it shall be required that moderate income housing be included in the project. At a minimum, all residential lots that are smaller than the current Code allows shall be designed and dedicated as moderate income housing units."

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Title 10 Utah Municipal Code

Chapter 9a Municipal Land Use, Development, and Management Act

Part 5 Land Use Regulations

Section 532 Development agreements. (Effective 5/3/2023)

Effective 5/3/2023

10-9a-532. Development agreements.

- (1) Subject to Subsection (2), a municipality may enter into a development agreement containing any term that the municipality considers necessary or appropriate to accomplish the purposes of this chapter.
- (2) (a) A development agreement may not:
 - (i) limit a municipality's authority in the future to:
 - (A) enact a land use regulation; or
 - (B) take any action allowed under Section 10-8-84;
 - (ii) require a municipality to change the zoning designation of an area of land within the municipality in the future; or
 - (iii) allow a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section 10-9a-502, including a review and recommendation from the planning commission and a public hearing.
- (b) A development agreement that requires the implementation of an existing land use regulation as an administrative act does not require a legislative body's approval under Section 10-9a-502.
- (c) (i) If a development agreement restricts an applicant's rights under clearly established state law, the municipality shall disclose in writing to the applicant the rights of the applicant the development agreement restricts.
 - (ii) A municipality's failure to disclose in accordance with Subsection (2)(c)(i) voids any provision in the development agreement pertaining to the

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Index Utah Code**Title 10 Utah Municipal Code****Chapter 9a Municipal Land Use, Development, and Management Act****Part 5 Land Use Regulations****Section Preparation and adoption of land use regulation. (Effective 502 5/14/2019)****Effective 5/14/2019****10-9a-502. Preparation and adoption of land use regulation.**

- (1) A planning commission shall:
- (a) provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4);
 - (b) hold a public hearing on a proposed land use regulation;
 - (c) if applicable, consider each written objection filed in accordance with Subsection 10-9a-205(4) prior to the public hearing; and
 - (d)
 - (i) review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality; and
 - (ii) forward to the legislative body all objections filed in accordance with Subsection 10-9a-205(4).
- (2)
 - (a) A legislative body shall consider each proposed land use regulation that the planning commission recommends to the legislative body.
 - (b) After providing notice as required by Subsection 10-9a-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the land use regulation described in Subsection (2)(a):
 - (i) as proposed by the planning commission; or
 - (ii) after making any revision the legislative body considers appropriate.
 - (c) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation if the legislative body

AGENDA ITEM #7

Report from City Council liaison Mayor
Critchlow

AGENDA ITEM #8

Adjourn