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**MINUTES OF THE REGULAR BUSINESS MEETING OF THE GRANTSVILLE CITY COUNCIL HELD FEBRUARY 21, 2007 AT THE GRANTSVILLE CITY HALL.**

**Mayor and Council Present:** Mayor Byron Anderson; Council Members, Wayne Butler, Todd Castagno, Brent Marshall, and Paul Rupp.

**Appointed Official and Employees Present:** City Recorder Wendy Palmer, Attorney Ronald Elton, and Zoning Administrator Shauna Kertamus, Police Reserve Officer Jon Shields, Ordinance Officer Mike Warner, Planning Commission Member Gary Fawson,

**Citizens and guests present:** Karen Scott (press), Charles Hansen, Stephen Hansen, Matthew Hansen, Melissa Hansen, Breanna Hansen, Rex Johnson, Michael Drake, Dade Rose, Brandon Bell, Jake Griffeth, Rob Christensen, Leslie Turner, Alex Williams, Wayne Morris, John Palo, Nick Critchlow, Garret McBride, Alex Beckstead, Tyler Bates, Lynn Cook Cody Anderson, Travis Taylor, Lisa Ekins, Kirk Ekins Braydon Bowuwhuis, Andy Steward, Benden Clelland, Clair McBride, Skyler Miller, Ben Lawton, Alan Chatwin, Pat Chatwin, Bernice Castagno, mark Cox, Dean Matthews, Julie Black , Wyatt Branch, Matt ?, Wells Cannon, Doug Cannon, Steve Brenchlez, Tony Gonzales, Rollin Sattler, Neil Johnson, Dick Johnson, Jeff Daughterly, Van Potter, Joan Johnson, Trixie Vera and son.

**APPOINTMENT OF MAYOR PRO-TEM:** Todd made the motion to appoint Paul Rupp as Mayor Pro-tem. Robin seconded the motion. All voted in favor, motion carried.

**PUBLIC HEARINGS:**

- a. **Final Public Hearing upon proposed Annexation of 145.64 acres along east city boundary (Grantsville Johnson Cattle Co. Et al.):** Paul opened the public hearing at 7:00 p.m. to receive comment on the proposed annexation. No public comment being offered Paul closed the public hearing at 7:01 p.m.

**APPROVAL OF MINUTES:** Wayne made the motion to approve the minutes of the City Council meeting held 2-07-07. Brent seconded the motion. All voted in favor, motion carried.

**ORCHARD PARK FINAL PLAT FOR 65 CONDO UNITS:** Paul Rupp, Mayor Pro Tem explained that the issues before the City Council were consideration of the Final Plat Approval for Orchard Park (Country Haven Condominiums Phase 2) and to consider two appeals filed from the Planning Commission's decision to approve or recommend approval of the proposed Final Plat. Mr. Rupp indicated that this item did not include a public hearing and that a public hearing had been previously held by the City Council on February 7, 2007. Mr. Rupp stated that he would allow the Developer 10 minutes to present its position and that the two appellants would each be given 5 minutes to present their appeal. The Developer then would be given 5 minutes to respond. Mr. Rupp indicated that the Council had reviewed all of the written minutes of the Planning Commission meetings and its public hearing, the minutes of the City Council, including

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the plats approving Phase One of Country Haven Condominiums, the appeals, the development plan for future phase(s) and the current application and plans. Dade Rose, Attorney for the owner of the subject property, Pacific West Communities and its Developer Grantsville Family Associates, reflected on earlier days when he rode horses in Skull Valley. Mr. Rose stated that the final plat of Country Haven Condominiums Phase One and plan for future phases(s) is the true measure of what was approved for this condominium project. He argued that the previous minutes of the Planning Commission and the City Council were not a part of the final approval of future phases. Mr. Rose stated that Chapter 12.5 of the Zoning Ordinance allows for minor changes to be made and even if the changes were considered major changes, Section 12.5(3) allows for major adjustments if they are in substantial conformity with the original development plan. Mr. Rose stated that the original plat and development plan for future phases did not dictate the size of the homes or whether or not they should have garages or basements. He argued that the final plat only approves the layout of the buildings, how many units there can be, side yard dimensions and public improvements to the streets, water, sewer etc. Mr. Rose stated that the reason why the final plat is the guiding document is because people change who guide the City.

Julie Black addressed the Council. She represented the Country Haven Condominium Homeowner's Association, which is one of the appellants. Ms. Black asked how, could an approved Planned Unit Development be legally changed in the manner as proposed. She indicated that the approved development plan was in place to protect the other residents that have invested their money in a condominium project and they expected a final build out to comply with the original development plan. She requested that the developer of Phase Two be required to build residential units to the same quality and size that they have been built in Phase One and that they follow the original development plan. Ms. Black asked the Council to review the written appeal that they had submitted.

Charles Hansen then spoke to the Council. He was representing the appealing party which consisted of numerous homeowners located in the Orchard Lane subdivision, which is directly north of the proposed Phase Two. Mr. Hansen expressed his concern about the additional traffic that would be funneled through their substandard street, which runs north from the proposed development through Orchard Land Subdivision. He stated that if more traffic is funneled through Orchard Lane that the chances for accidents will increase. Mr. Hansen stated that he would like to see the quality of the project stay at a higher standard and that this will help encourage quality people living there. Mr. Hansen asked the Council to stick with the zoning ordinances.

John Palo a resident of the Orchard Lane subdivision asked to take the remaining time allotted to the Orchard Lane Homeowners. He stated that all of the children that live in the Orchard Lane Subdivision play in the street and if this condo project is connected to their subdivision, that their children will be in danger of being hit. Mr. Palo stated that the current plan to replace a straight road in Phase Two, with a curved road will make it more difficult for drivers to see the children playing in the street. Mr. Palo believed that High School students will cut through Country Haven Condos and Orchard Lane to access Handy Corner more quickly.

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Mr. Rose replied to the comments made by Ms. Black, Mr. Hansen and Mr. Palo. He stated that his clients are standing up for what they believe and the changes requested are only minor changes. He indicated that the purpose of having a Planned Unit Development is so that a developer can change the development plan to match market conditions. The Homeowners Association is governed by a few current owners and his client is in reality the majority unit owner of the homeowner's association and could amend the Condominium Covenants, Conditions and Restrictions, to allow for the requested changes to the development plan. It is his client's desire to have a more curved road through Phase Two because it is considered a traffic calming device that should improve traffic safety. Mr. Rose stated that if the developer doesn't have a safe development that it would not be able to sell units. He argued that the final plat that is recorded at the County, does not regulate the size of the units or building material. He indicated, however, that the building will be constructed of brick and stucco. He closed by stating that the proposed plan is in substantial conformity with the original development plan that was approved by the City.

Councilman Wayne Butler stated that the council considered an amendment to the original development plan in September 2005. The Council at that time wanted the future phase of this project to remain consistent with the original approved development plan. Mr. Butler asked if the road could be looped within the development so that all the traffic would enter and exit onto Quirk Street. The Zoning Administrator stated that the Zoning Code requires developments to have two separate means of ingress and egress. Mr. Butler stated that in his opinion, the proposed development plan constitutes a major change and is not in substantial conformity with the original development plan. Mr. Butler indicated that the proposed plan, however, is an improvement over the plan that was presented in 2005.

Councilman Robin Baird stated that the building sizes and two car garages for Phase Two may not be detailed on the final approved plat, but that the minutes of the Planning Commission and City Council indicate these items were covered and considered a part of the final development plan for this project. Mr. Baird stated that this development should be finished in compliance with the original development plan as he stated in 2005 when the previously proposed amendment to Phase Two was denied.

Councilman Todd Castagno stated that he is concerned that the homeowners in Phase One were lead to believe that they were buying into a planned project with specific sizes of homes and types of construction and he believes that the Council should hold the developer of Phase Two to the terms of the original development plan approval.

Mayor Pro tem Paul Rupp stated that he believes that the property owners that purchased in the first phase had a right to expect that the remaining phases would be completed in compliance with the original approval.

Councilman Brent Marshall stated that he believes that the people that purchased in phase one were sold a Cadillac and now the developers are trying to finish the project with a

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Chevrolet. Mr. Marshall stated that that the development should be finished as it was originally approved.

Todd Castagno made the motion to deny the proposed plan for the completion of Phase Two of the Country Haven Condominiums, based on the fact that the current plan for Phase Two is a major adjustment to the original development plan for future phases and is not in substantial conformity with the approved development plan. He requested that specific findings and a written decision in support of this motion and decision be prepared by staff, and be presented for approval at the next City Council meeting. Wayne Butler seconded the motion. All five Council members present voted in favor of the motion and the motion and decision carried.

**68 LOTS:** Welles Cannon and Doug Cannon represented their development. Robin asked if they had parks included in this phase? Mr. Cannon stated that there is a on acre park in phase 3 and a 2 acre park in phase 2. Todd made the emotion to approve Anderson Ranch Phase 3. Brent seconded the motion. All voted in favor, motion carried.

**MOUNTAIN VIEW MANOR CONCEPT FOR WILD WEST VENTURES:** Zoning Administrator Ketamus expressed the basic plan for this development is that they are wanting 33 ½ acre lots within a RM-7 zone. The developers are requesting a waiver of the Planning Commissions requirement to provide for Cherry Street Extension through this subdivision. City Engineer Neeley stated that he had some concerns with the storm drainage but they can work out those details at the Preliminary Plat Stage. Craig stated that he will always recommend that a street be installed if the street master plan calls for it. The decision is ultimately up to the City Council. Public Works Director Ketamus stated that Cherry Street will never be a major traffic carrier because it cannot connect to SR112. He did recommend that connectivity should be maintained between Ranch Road, Mountain View Manor and Eastmoor. Mr. Daughterly who is the developer stated that he has given up 2/3rds of his possible density in order to make this a nicer development than what was originally planned. Brent made the motion to approve the concept plan for Mountain View Manor without the requirement for Cherry Street Extension. Robin seconded the motion. All voted in favor, motion carried.

**NORTH STAR CONCEPT PLAN APPROVAL FOR 699 LOTS WEST OF WEST STREET, SOUTH OF DURFEE STREET:** Travis Taylor representing this development addressed the Council. Mr. Taylor stated that the concept is for 417 acres and there is a total of 1200 plus acres 800 acres not annexed into the city as of yet. Mr. Taylor stated that his density is planned for 1.167 units per acre. It is there intention to work with the Grantsville Irrigation Company to expand their regulating pond in order to create a lake system throughout the development. Mr. Taylor stated that there will be usable open space and a 1-2 acre park in phase 2. Phase 1 will consist of the large entry with waterfall and pond. Brent asked if this development is planning to fill in some of the washes. Mr. Taylor stated that they are planning to fill some washes and redirect the storm water flow. City Engineer Neeley stated that the County Flood Control Canal is a benefit for this development because it will handle the large storm run off. Craig stated that he thought that combining run off channels may work. This item can be resolved at

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Preliminary Plat. Council would like to see sidewalks on both sides of the street. Phase one has 100 lots and three open areas. Mr. Taylor stated that he would like with the city on a large park and trail system. Robin wanted the park issue to be addressed for preliminary plat. Mr. Taylor stated that they are including 10 acres for the school district as well. Ron informed the Council that a Development agreement will have to be worked out prior to the Preliminary Plat. Robin made the motion to approve the North Star Concept Plan for 699 lots. Craig stated that this project blows the population estimates for Grantsville City Sewer Treatment plan. The city needs to address and increased impact fee to increase the lagoon system or upgrade to a mechanical plan. The increase could be as much as \$3500.00. A water tank is needed on the west bench Mr. Taylor stated that they would like to work with the city on this project as well. Robin seconded the motion. All voted in favor, motion carried.