

**MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION  
HELD 05/19/2022. THE MEETING WAS HELD IN THE GRANTSVILLE  
CITY HALL AT 429 EAST MAIN STREET AND ON ZOOM.**

**Commission Members Present:** Commission Chair, Brian Pattee, Commission Member, Gary Pinkham, Commission Member, Erik Stromberg, and Commission Member, John Limburg

**Commission Members that were present on Zoom:** Commission Member, Jaime Topham

**Commission Members that were absent:**

**Appointed Officers and Employees Present:** Zoning Administrator, Kristy Clark; Grantsville City Attorney, Brett Coombs; City Engineer Dan England; Christy Montierth; Jesse Wilson; Mayor Critchlow

**Appointed Officers and Employees that were present on Zoom or Absent:**

**Citizens and Guests Present:** Paul Watson, Andy Jensen, Mike Wagstaff

**THE REGULAR MEETING WAS OFFICIALLY CALLED TO ORDER BY  
COMMISSION CHAIR, BRIAN PATTEE AT 7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**DISCUSSIONS:**

- 1. Discussion to recommend approval to amend the Grantsville City General Plan and Future Land Use Map for Mike Wagstaff to go from a Mixed-Use Density Designation and Medium Density Residential Designation to a Mixed-Use Density Designation for the properties located at 360 West Apple Street and 374 West Apple Street.**

Mike Wagstaff was present for this discussion.

Gary Pinkham asked, what is your intention here?

Mike Wagstaff answered, to do a mixed-use development with commercial and residential.

Gary Pinkham asked, what kind of commercial are you looking at?

Mike Wagstaff answered, I'm guessing right now probably something in the 10,000 square foot building range. We've talked about a drive through, or a combination of office and restaurant. The commercial would be built last. That's a little further down the road, but

that's the general idea of what's being thrown around right now.

Brian Pattee asked, do this Peach Street go all the way through?

Mike Wagstaff answered, no. It dead ends.

Erik Stromberg asked, what is before the commercial? Are you going to do single family?

Mike Wagstaff answered, residential. It's a weird market. I think that's where we're really landing. Honestly, I wanted to build more and go denser, but I don't think we can do it. It just doesn't pencil. It would be owner occupied; is the direction we're going right now.

**2. Discussion to recommend approval to rezone 1.88 acres of land located at 360 West Apple Street and 1.62 acres of land located at 374 West Apple Street to go from an RM-7 zone to a Mixed Use zone for Mike Wagstaff.**

Mike Wagstaff was present for this discussion.

Gary Pinkham asked, if it's already RM-7, and you're leaning towards single family residential, why not just leave it RM-7?

Erik Stromberg asked, are you looking to rezone so you can do commercial? Is that why you're really wanting to rezone?

Mike Wagstaff answered, we're planning on a mixed-use development that is in line with the General Plan.

Kristy Clark mentioned, if you remember, he's bought the trailer court across the street from the public works building. He already got the rezone for mixed use on that property. These properties adjoin that property and make it to where he will have access from Main Street to Apple Street, which would give him secondary access for the residential and the commercial.

Gary Pinkham stated, with the no man's land in between, they're not continuous parcels.

Kristy Clark stated, you may have to fix that, Mike. You may have to go and figure out who owns it and get that fixed.

Mike Wagstaff stated, I'll have to double check on that. I have title reports that says that it's all good.

Kristy Clark asked, the title reports say that strip is part of these properties?

Mike Wagstaff answered, when you bring it up, I want to double check that, make sure

that insurance is in place.

Mayor Critchlow stated, where my brother lives, which is just on the back side of this, there's a strip that goes through there, and right now it should show that it's owned by Marlon Yates. There was a quick claim deed that hasn't been recorded yet for that the part of the strip south of Nolan's place that is now part of his property. I'm not sure what needs to be done with the rest of the strip on the south side of the trailer court.

Attorney Coombs stated, the County GIS is showing that as being Peach Street.

Brian Pattee asked, would the Peach Street right of way go into this property?

Attorney Coombs answered, yes it would.

Gary Pinkham asked, so these parcels that we are looking at today are intended for higher density housing?

Mike Wagstaff answered, yes. The commercial will be off Main Street and the residential will be off of Apple Street.

**3. Discussion to recommend approval to adopt a Retaining Wall ordinance in the Grantsville City Land Use Management and Development Code.**

Andy Jensen was present for this discussion and stated to the Commission: from the last discussion with this, the changes that we discussed, I've implemented them into the proposed ordinance. Not sure if you've had a minute to read over that. I'm not sure if there's anything else to address, as far as a concern at this point with the proposal.

Gary Pinkham asked, this is the ordinance itself, but we're still going to have to go into chapter two and add a definition to the ordinance. That's not here in this stuff. We'll have to make a change to Chapter two, definitions.

Andy Jensen answered, correct.

Kristy Clark stated, we can add them to Chapter 2 for the June 2nd meeting. Based on the discussion we had on chapter 14, 15 and 16, there were changes to the definitions that we need to add from that discussion. So, we can add the definitions needed for the retaining wall also. If you're okay with that?

Andy Jensen stated, one of the things that we discussed last time, was adding to the pictorial drainage, filter fabric, behind the wall. That was one of the corrections that I corrected.

Erik Stromberg stated, one thing I had concern with, is in your exemptions to permits, number four. Retaining walls less than one foot in height, with a fence less than six feet.

Where did we come up with those numbers?

Andy Jensen answered, well, currently per the ordinance, there's a discrepancy between the city ordinance and the building code. City ordinance is a maximum of six-foot-high fence. The building code allows seven, but chapter one of the code also requires the most restricted to govern. City ordinances state that if you go over six feet, you're required to get a building permit.

Erik Stromberg stated, this says less than six. If you go six feet you have to get a building permit.

Dan England stated, this is a combination of the two. So, if you have one that is one foot or greater and one that's six foot or greater.

Erik Stromberg stated, that not what this says. We just need to clean this up.

Shay Stark asked, can we switch this language just slightly and just say, "Retaining walls one foot or less in height, with a fence of six feet or less in height." That way, if you're doing the standard six-foot fence, you're not coming in for a building permit.

Erik Stromberg answered, that's all I'm looking for, because the less than six, I mean, every fence that's put in around town, is going to be a six-foot fence. I mean, if you want to stick to a retaining wall being one foot, that's fine, but it needs say equal to or less than six feet, your exempt.

Dan England stated, we have another spot in this that talks about, the wall must be over four-foot-high if it's just the wall itself, in order to have to come in for a building permit. The six-foot fence by itself, isn't going to have to come in. It's just if it's a six-foot fence in combination with the wall. If you want to switch it for that inch, that's fine.

Andy Jensen stated, I see the concern, because if you built that wall directly on the top of whatever that is, if it's concrete or the stacked block walls or whatever, if that's literally mounted to the top of that, will the wind be loading now that's generated on that, is a different concern. Well, if that fence is set back a couple of feet, I mean, I'm not an engineer, but does it still have the same effect as if they're trying to plant that right on top of the wall? That was my intent, that if you're trying to have them both contiguous, we're playing with engineering a lot quicker. If they set that fence back, and maybe that's something that needs to be discussed, that if the fence is a couple of feet back from the top of the wall, does that stay away?

Erik Stromberg asked, what's our intent of making someone come get a building permit?  
Andy Jensen answered, Structural stability.

Gary Pinkham stated, the building permit would then have them get an engineer to design

the wall.

Erik Stromberg asked, so we're just forcing them to bring engineering.

Andy Jensen answered, no, there's guidelines in here for what they can do for a retaining wall to stay away from engineering.

Erik Stromberg stated, I guess that's what I'm trying to understand though. I mean, Gary's saying we're doing this, so they have to engineer it.

Andy Jensen stated, if they exceed certain height and proximity parameters, they would be forced to get engineering, correct. If they build walls that are less than four feet and they're offset two to one from each other-

Erik Stromberg asked, I'm just talking about, with these requirements for a building permit, why is it we've said, "Okay, when you go past this point, you have to have a building permit"?

Dan England answered, people don't realize the forces of wind on a fence and the forces that come with that. Then when you put that on top of a retaining wall, that retaining wall already has a little bit of force on it. One foot's not a lot, and the six-foot fence is normally protected up by what's surrounding it, so it's not going to get a full wind force on it. However, if those are out in the open, there's a great chance of that failing. Having an engineer look at that to make sure it's okay, we're looking at something over one foot and six-foot fence on it, it needs to be looked at.

Andy Jensen stated, the fence is only one aspect of it. The concern is, when we're on the hillside, we're going to have a neighbor that builds first. It's just inevitably going to happen. Well, then the lower neighbor coming in second, to maintain the slope that doesn't require retaining, they're probably going to likely cut into that. Whether it's to park a vehicle or an RV or recoup more of the yard to be able to be flat. As soon as you exceed two to one slope, you're required retaining. This is an attempt to give parameters, that once they've cut into a hillside, there's parameters to follow in regard to options that they have to stay away from engineering. If they want to cut right to the property line, worst case example, let's say that's an eight-foot cut, that needs to be engineered to make sure that's not going to tip over and cause structural issues for the uphill property.

Erik Stromberg stated, I'm not disputing why we're doing a retaining wall, I'm just saying, the reason for forcing a building permit is so they have to have engineered documents that come with it.

Dan England stated, under certain circumstances when it's possible that the fence or wall could fail or cause problems.

Andy Jensen stated, the reason for the building permit is to, for one, have documentation as a city that a permit was issued and verified that it was built per engineering standards, so that if there's a failure, their insurance company isn't coming after the city. That's the intent.

Shay Stark stated, I think there's a really simple answer to this. The building code has a set of requirements for retaining walls for various situations. If it's required in the building code that it's supposed to be engineered and it's supposed to have a permit, then we, as a city, we've adopted the building code. We need to be enforcing that.

Member of the Public stated, I would say the reason that you would want a permit, is to get an inspection. Instead of having Joe out here in his backyard building a retaining wall that's over such and such heights that should have a footing on it, the fence post should be set at a certain depth. Well, at a certain point, it becomes dangerous if they don't know what they're doing. An inspection would be required. That be my thoughts on that issue. Thank you.

Andy Jensen stated, you're correct. There would be inspections to make sure what's been proposed by the engineer is what's being built. This is just trying to give some latitude for things that they can do without a permit and keep things safe. When they cross those parameters that have been outlined, then they do specifically get into an engineer being involved.

Brian Pattee asked, so number four, are we going to change the wording?

Andy Jensen answered, I understand the concern. To me, that clarity is worth the change.

Shay Stark stated, just one more quick thing here. It would be really nice to put right up front in this, at the very first of this code, we define what a retaining wall is in general terms in those first couple of paragraphs. It would be really nice to define what these measurements are. Are they from the bottom of footing? Are they from the bottom of where the wall's exposed at the ground to the top of the wall? Just something to clarify that.

Brian Pattee stated, That's a good point. Are there any drawings? Will there be anything in there, like showing the cross section of footing and the measurement type?

Shay Stark answered, I think there's a statement further down in the code, if I remember right, reading through here. I just see a lot of dimensions being thrown out right at the first, and somebody might not get down that far because they may look at it and go, "Oh, well, it doesn't apply to me."

**PUBLIC HEARINGS:**

- a. Proposed General Plan and Future Land Use Map Amendment for Mike Wagstaff to go from a Mixed-Use Density Designation and Medium Density Residential Designation to a Mixed-Use Density Designation for the properties located at 360 West Apple Street and 374 West Apple Street.**

Chairman, Brian Pattee opened the public hearing at 7:31 p.m. and called for comments.

Kyle Hammond stated to the Commission: My name is Kyle Hammond. I've lived at 77 Southwest Street for the last 10 years. Grantsville resident, my entire life of 39. Third generation Grantsville person. We're trying to raise a fourth. I chose West Street as my home. I liked the property. I had open space with sprinklers in front of me, very quiet street in front of me. Past 10 years has definitely changed. For any of those that don't live on West Street, it is a very, very popular street now with all the rezoning going down that street, so we've lost our front yards. I don't even let my kids play in my front yard anymore. We have concerts basically every Friday for weddings and Saturdays from April to October. My backyard is my haven. I have a patio, a deck and privacy. I put a six-foot vinyl fence down both sides, left the back, an old rickety chain link fence so I could see the open. Purposely did that for the space. So, it slapped me upside the face a little bit to figure out that you could take existing homes on less than two acres and offer them some money to leave or stay, I'm not sure what the plan is. And change the open space into possible condos apartments. Two, three stories, who knows what's going on? So, I'm just worried about losing my backyard. Maybe that's not even an argument to even be here and beyond your guys' plan and I'm just up here rambling. When I was notified of this, I definitely went around and started getting signatures from everybody because I didn't know what I was doing. I don't think any of us want it. I think there's a lot of other places in town that are being rezoned that can handle places like this. I know we're close to Main Street, but if the future plan of Grantsville is to take land occupied by viable homes and changing them, I'm worried that it's going to just turn into the Wild West for sure. And maybe I'm the young kid that was an idiot that bought a beautiful established home in an old part of town and not a new place, but that's where I chose. And I don't owe very much of my home anymore, and I feel like I'm going to be stuck with something behind us that we don't want and that we won't be able to leave. I did reach out to Mr. Wagstaff. I was surprised he responded. It's a couple plans I'm sure he has in his pocket, some that are probably going to be more favorable than others, but I'd rather not see it happen at all. One thing I was looking at on this mixed-use zone, "Set developments and mixed-use zone shall be designed as to integrate the residential and commercial components into a harmonious development to be compatible with existing anticipated areas." I don't know what's compatible and harmonious about putting condominiums and apartments around 30, 50-year-old homes right in the middle of their block. I don't see it. And I don't know if your guys' purpose is to do what's best for the city, what's best for the people of this city or both, but I would consider it as if it were your own backyard, please.

Bruce Gilbert stated to the Commission: I'm Bruce Gilbert, 53 Southwest Street, I just basically want to echo what Kyle said. I mean, and all we're talking about is the zoning changed tonight,

but tonight that is our only protection we have as homeowners. We moved there knowing what zoning is. We knew there was bigger lots and that was our expectation. We would like it to stay that way. Don't think it's right that someone can come in and for their profit ruin our quality of life. I mean, we all know Grantsville, you don't go moving next to a pig farm and then complain that it stinks. For the same thing, you don't take a pig farm and move it into a residential and not expect the neighbors to complain. And so, that's all we ask you, that you protect our property if you're zoning, because we don't have any other protection once you guys do that. And that's it.

Randy Smith stated to the Commission: I'm Randy Smith. My wife and I have not lived here... Our family has not lived here very long. We've lived here three years. So, there's one personal note, that the value of our home could go down with commercial or that type of property. But besides just ourselves, I did have a question, if anybody could answer this, what would this mixed decision, to make it a mixed category do to the ability for the people on Apple Street, both sides of it, to have animals? Would it take that away? The only other thought I had was this is a growing town, but there's a lot of space. There's a lot of opportunities. Other than taking down a nice home, right across the street from us would be one home that might be torn down. It's a very nice home. There's just a lot of opportunities to put a condo or a commercial place elsewhere in the city. That should be explored. That's just my opinion.

Rick Barchers stated to the Commission: I don't live in that area. Personally, I'm not a fan of free for all zones. I'm sure Mr. Wagstaff has some idea of what he plans to do with the property if he's going to spend the money to purchase it. I have no doubt of that. The only purpose that I can see for a free for all zone is to put in what is going to be least desirable for their neighbors, whether it's legal or not. That's up to you guys. That's your decision. That's not mine. I'm not saying I'm for it or against it. I mean, he can propose whatever he wants, and I may be perfectly fine with it, but to not define what your plans are for the property, I personally have an issue with that, especially when it affects the neighbors. Thank you.

No additional comments were offered, Chairman, Brian Pattee closed the public hearing at 7:41 p.m.

- b. Proposed Rezone of 1.88 acres of land located at 360 West Apple Street and 1.62 acres of land located at 374 West Apple Street to go from an RM-7 zone to a Mixed Use zone for Mike Wagstaff.**

Chairman, Brian Pattee opened the public hearing at 7:42 p.m. and called for comments.

Kyle Hammond stated to the Commission: I just don't know how all this stuff works. So, if we're taking two lots and we're talking about rezoning those into commercial slash residential, does it matter what the trailer park is? That's a whole different property, right?

Gary Pinkham answered, it is.

Kyle Hammond asked, so you'd have to put commercial on those back two properties, right?



Gary Pinkham answered, you don't have to because he would own all three. It's an option but what he's mentioned is he's not going to put commercial on the Apple Street.

Kyle Hammond asked, but those two back properties can still be changed to mixed use, which is supposed to be commercial and residential.

Gary Pinkham answered, Yeah, which would allow the other uses under the mixed-use code. And if he does commercial, it sounds like he'd do it on Main Street side.

Kyle Hammond stated, Okay. I just didn't know if there were technically three different parcels that if they would just be combined into one, as far as the consideration.

Gary Pinkham stated, I don't know if he's intention used to marry them up or leave them as three separate parcels, but that's his business. Being contiguous, if they resolved the issue with a little no man's land in between, it could be developed as one development that may still legally be three parcels if he doesn't marry up.

Kyle Hammond mentioned, yeah. And, I don't think Peach Street is an access point. You're going to make some people mad on that quite little street. It's hardly even the street.

Brian Pattee asked, so just to clarify, it's already an RM-7 correct?

Kristy Clark answered, yes.

No additional comments were offered, Chairman, Brian Pattee closed the public hearing at 7:49 p.m.

**c. Proposed Adoption of a Retaining Wall ordinance in the Grantsville City Land Use Management and Development Code.**

Chairman, Brian Pattee opened the public hearing at 7:49 p.m. and called for comments.

No comments were offered, Chairman, Brian Pattee closed the public hearing at 7:49 p.m.

**COMMISSION CHAIR BRIAN PATTEE OFFICIALLY CALLED THE MEETING TO ORDER AT 7:49 P.M.**

**1. Consideration to recommend approval to adopt a Retaining Wall Ordinance in the Grantsville City Land Use Management and Development Code.**

**Andy Jensen was present for this agenda item:**

There weren't any additional comments from the Commission on this agenda item.

**Gary made a motion to table to adopt a Retaining Wall Ordinance in the Grantsville City Land Use Management and Development Code. John seconded the motion. All voted in favor and the motion carried unanimously.**

**2. Discussion of a Concept Plan for Greg and Cheryl DeHaan, Paul Watson and Nate Brockbank for 68 acres located approximately 4685 East Hwy 112 in the Mixed Use zone.**

**Paul Watson was present for this agenda item and stated to the Commission:** Paul Watson, project engineer. And so, we're on the very front end of this project. And really, I wanted to get your thoughts on it. We're under contract to buy it. We haven't bought it yet. It's in the mixed-use zone and tell me if I'm misspeaking. So, we believe that we have something that qualifies for the mixed use zone, but we're really on the front end of all this and just wanted to get your thoughts on everything. It is a lot of density. It's over on State Road 112.

Dan England stated, I mentioned to this firm earlier that this is the location where Nygreen would come through and tie in to 112, it's going pretty much right through the middle of the property. And you can see where those two roads come out? Across the street is where the other development that's being done by the Romney Group, that's the location where they are putting Nygreen to continue to Lambs Lane and onto 138.

Brian Pattee asked, Nygreen is planned to cross 112 and then to go through that other development?

Dan England answered, it's designed to come in and tie into 112 at the location of Lambs Lane which will continue north. sometime in the next 30 years, it's not a signal in the near future. But we're planning for that far out if we can. And so, as development comes in, we need to plan for where these roads are going to come and how it's going to work. And so, with this one, if they shifted farther to the west, that would be possible, but that would need to adjust what's across the street from them. So, there's going to need to be some coordination with the development on the other side.

Attorney Coombs asked, so, Paul, the products that are being proposed here are there, is it town homes or single-family homes? What's the layout that we're looking at? What's the colors?

Paul Watson answered, so, everything you see in red are four plexes and six plexes. Everything that you see in green are single family residential.

Dan England asked, what are the sizes of those lots?

Paul Watson answered, so, on there, so the lots they're very tiny at 45 by 92. Or if you have any other ideas, things I should consider.

Attorney Coombs asked, do you foresee any issues getting permits for access to 112, from UDOT?

Paul Watson answered, we do know that we do have to work with UDOT. We have worked with them on several other projects, so I think that we can work with them. If we are all in agreement with what's happening here across the street and with the city, I think that we can work through our stuff with UDOT.

Christy Montierth asked, what's our minimum width size of the lot? Is 45 feet wide enough.

Attorney Coombs answered, 35 feet.

Christy Montierth asked, what is your intention on parking through the duplexes?

Paul Watson answered, two car garages plus the driveway in the front.

Dan England stated, we're in the process right now of trying to increase that parking. We've talked to several other developers who are trying to come in with town halls. And the one thing that we found in other areas is that there's never enough parking for town halls. And we're asking to get additional parking in those areas.

Paul Watson stated, I think I could do that. Is there a recommendation of parking?

Dan England stated, we're discussing this tonight and we are going to request one additional one for the first 10 and then one additional for every room two beyond those first 10 for those parking's. I think that was what we were looking at for the parking lot.

Paul Watson stated, all right. I've got some room for visitor parking.

Shay Stark asked, is that park supposed to be HOA or is that supposed to be a city park?

Paul Watson answered, I believe it was to be a city park

Shay Stark stated, it needs to be a minimum of five acres for the city to maintain it

Paul Watson asked, is there a preference where the city would like the park or whether they prefer to have it has a private HOA park? Remember, I'm still on the front end of everything. So, I can change things now.

Shay Stark answered, in the general plan, I believe there are park locations shown for where the city would like city parks.

Christy Montierth stated, we would prefer a larger park rather than a smaller one. Maybe like a 10-acre park. If it's smaller than 10 acres, our preference would be for an HOA to maintain it.

Paul Watson stated, 10 acres probably kills our thing, but I understand. The five is doable or a five and a half or something.

Attorney Coombs stated, well, if it's five and it's an improved park, the city might be more interested in something like that.

Shay Stark asked, is there another option to move the park over against a property line that would allow it to be able to expand so when future development comes in the City would be more interested in maintaining it?

Paul Watson answered, at one point we talked about putting next to the commercial because we thought the same thing. But we were thinking about people walking vs driving so we moved to a more central location.

Brian Pattee stated, any further discussion? Paul just work this out with staff through any concerns that they may have.

### **3. Discussion to amend the Grantsville City Land Use Management and Development Code by adopting Chapter 25 - Accessory Dwelling Units.**

**Kristy Clark was present for this agenda item and stated to the Commission:** I did go through the discussions that we've had on this, and we may need to maybe do a little bit tonight and then put it back onto an agenda for more discussion before we put it out for public hearing. One of the comments was on 25.9, impact fee reductions. I did strike that out.

Brian Pattee stated, there's some things that highlighted in blue.

Kristy Clark stated, those are my questions. One of my questions refers to the zoning districts. Looking at the CN, CS, CD, PUD and Mixed-Use zones I highlighted that in blue because I would like to get your thoughts on allowing or not allowing accessory dwellings in these zones.

Erik Stromberg stated, to me mixed use is new, anyone who's coming in a mixed use should already have some residential, whether there's enough room or not. I guess when I think of the commercial, though, as we do that, if we started getting this idea of mixed use happening, does someone want to take their commercial and add the accessory dwelling unit to their business?

Kristy Clark asked, like an apartment on top?

Erik Stromberg answered, so rather than now go through the process of rezoning to mixed use where it would be allowed, they want to come in and say, "I'm commercial, but I want to build an apartment for me to live behind my business as an accessory dwelling unit."

Brian Pattee stated, I'm just looking at this and thinking "No" on all of them.

Jamie Topham stated, I think you need to allow it in the CD zone because that specifically talks about residential, but it's by conditional use, maybe it needs to be allowed, and then the planned unit development, that applies to a bunch of different residential things.

Brian Pattee stated, I'm thinking when we approve a PUD, I think that would need to be spelled out at that time as part of the PUD agreement. Not that they could do it after the fact.

Gary Pinkham stated, we've got a couple of proposals in here under the PUD format for town homes. I would hate to see someone come in and double the density on us there. Trust me, somebody's going to try it. The doors open, so I think we should shut the door. I keep thinking about the book that our attorney gave us last. If it doesn't say you can't, then you may. And if we leave it open, technically they have the right to do it. We might be able to put conditions on it, but someone could walk in here and give us a high density, town home development plan like we just saw. We approve it and then they come in and want to do an accessory dwelling on top of each one of those and instead of having 202 units on that development, we just looked at we've now got 404. And that development, when he gets here, it's not going to be size big enough for the 202. But anyway, if the door is open, they're going to walk through it, and we can't stop them. So, we need to say no.

Erik Stromberg stated, that comes down to zoning. This what we just looked at, it's not a PUD, that's all the zones. Yes, it mixed use, it's not a PUD, that's just all the straight zoning.

Shay Stark stated, let me throw out just a couple thoughts with this. Number one, the state's tied our hands and told us we have to allow internal accessory dwelling units. And so, they've required that we have to allow that, so I guess if you had one of those town homes and they had a basement and figured out some way to build one in the basement, we can't say one way or the other. That one's cut and dry. And so just thinking about this, my recommendation is don't allow them in any of the commercial main street where we've got residential, and we have commercial. All of that on the future land use plan is shown as mixed use. If somebody wants to build a residence on their commercial lot, in their commercial building. If somebody who has residence wants to add an accessory dwelling unit, next year you're probably looking at also separate accessory dwelling units. They keep working on it every year, it's going to go through. Let them rezone the mixed use for that commercial property, if he rezones to mixed use, there's nothing that says he can't come in and say, "I would like to add residential to that commercial property." And it doesn't have to be done underneath this, because once he's onto this mixed use he can do that. So, you can take that out of the equation and just totally pull it out of these commercial areas and allow that zoning to determine whether they can or can't. But then the other point I was going to make is if we're going to create situations where we're going to make it conditional, we need to be very explicit on what those conditions are. It can't be arbitrary at all. We've got to, we've got to have a very clear list, and frankly, that's one of the problems with our PUD ordinance as it stands right now is because, and I know as Gary said, many times, I think a lot of people view this as, okay, from the city side, we look at it and say, "Well, the purpose of the PUD is so that they are asking for some exceptions, but then they should provide us some extra benefit for it." The only benefit that's stated in there is

10% open space, which is the exact same amount of open space that everybody's required to provide, anyway. And so, we need to spell out clearly what exceptions can they get and will be allowed under that? We've now got three developments that come through with the street cross sections, they're all slightly different than each other, that does not match our standards. We've set a precedence, we're going to have more coming in, and they're going to say you pass those. We need to clearly spell out if there are lines in the sand that they can't cross in that PUD things they can't ask for. We need to clearly spell it out.

Attorney Coombs stated, Shay's correct and one note to go towards Gary's point, with the town homes and the accessory dwellings, the state law does allow us to prohibit any accessory dwellings if the lot is 6,000 square feet or less.

Gary Pinkham asked, section 25.2 general ADU provisions. Can we add a line of 11 that says minimum lot size is 6,000 in per state law?

Erik Stromberg stated, if we're going to do that, we probably need to change the 7,000 to 6,000, because otherwise you have a thousand square foot lot size that's in no man's land that we're not accounting for.

Attorney Coombs stated, what I can propose is if you guys wouldn't mind tabling this, I'd like to go through the state law some more. I've done it once, but some of our discussion here is keyed off a few more things that I'd like to review well and consult the law again and a couple think that the property rights on the Ombudsman's office, I think, would be good for me to review again, as well, if you guys wouldn't mind.

#### **4. Discussion to amend Chapter 14, 15, and 16 of the Grantsville City Land Use Management and Development Code.**

**Dan England was present for this agenda item and stated to the Commission:** For those of you who weren't here last time, we are redoing several the lots in the zones to try to make them larger, to give us room on the side of the house so that there's room for RVs and for side by sides and whatever giving us at least 15 feet. There's some lots and you probably noticed in the one that was here earlier that they're going 45 feet wide with some of those lots and we're having a lot of town homes and so what we're trying to do with this is trying to address the code so that it gives it a larger lot area that they can't go below. Right now, we can't stop them from going on those larger or the smaller lots when they're in these RM seven and Mixed-use zones. For that reason, we've looked into those and tried to make it so that we have a better lot size. I think we've addressed all the comments. Shay, Gary, and I went through the whole thing top to bottom and felt like we addressed most of those things. I feel like we've addressed most of those things, but hopefully if there's something that's missing, we want to catch it now, before we go any farther.

Gary Pinkham stated, in addition to what Dan's mentioned, the issue I brought up some time ago about driveway widths, especially in the cul-de-sacs, this also addresses that issue to

getting sufficient width on the driveways on these pie shaped lots of cul-de-sacs. It also brings the various dimensions into compliance with the three times as deep as wide restriction. We had some of these where if you built them the way the code showed they were in violation of that three to one. So, we've conformed that, we've taken care of the driveway width the issue by getting a little more room so the cul-de-sacs will be able get utilities and driveway both in. Then cleaned up a little bit of the wording. There were some areas in here that Dan caught where things were said twice, he's struck the duplicates, and cleaned this up to take care of most of all the issues we've been talking about for the last several months.

Dan England stated, I also added a couple things at the end, cleaned up just a couple definitions. I also added in just a couple lines that we can probably build upon and correct. At the very end, I added a queuing length for drive through's, such as Guzzle, which of course we understand now but we didn't understand at the time. So having this code will require fast food restaurants and soda areas and coffee places that would require at least 10 cars to queue up on their property and so that makes it a little bit better. In some of the other areas I've heard that there might be a drive through coffee place or something, in that case, it wouldn't need it 10 but maybe, just five or something. I tried to leave some leeway for you guys to do it, but I didn't want to leave it wide open so that you're put on the pressure to be the bad guys every time a development comes in. I know the code can help protect us in that way.

Brian Pattee asked, so, when you say ten cars, what are you counting?

Dan England answered, typically, it's 25 feet for each car and as it comes through.

Brian Pattee asked, so a total of 250 feet from the window, back around as it circles around?

Dan England answered, we might even be able to get by with 20 feet. It's not specified in here, what that length is. I know that there's a lot of vehicles that are, 20 feet is the length of the vehicle and so that's why I said 25. But we also have some of those little smart cars that are in that line all the time, too and it might average out 20 feet.

Brian Pattee asked, so what do we need to do with this, Dan? Do you want us just to review it some more, look at your changes or what do we need to do with this?

Dan England answered, if you guys haven't had a chance to look through it, please look through it. I think it's about ready to go.

John Limburg stated, one thing I would say is, I think that maybe on the length of the driveway, you should put a certain amount of feet, not vehicles because somebody's going to come in and say, "Hey, you know, vehicles are eight feet or seven feet, and try to compact that in there. You're not going to get what you want out of it. You're saying 20 feet, but you're just using that, but somebody could come in and say, "Hey, we think vehicles are eight feet and you only need two feet between them you only need 10 feet and you're only going to get half of the distance you think we get,"

Dan England stated, good call because we just call out two vehicles. We don't call out the 20 feet, do we? You're right. We should fix that. Thank you.

Shay Stark stated, I just had one item that I just wanted to bring up that wasn't in here that I've been thinking about since we created this and, in the table, and I'll use the example of chapter 15. We have a section in that table for various residential uses and residential uses. I mean, just go down quickly through a couple single-family dwellings, detached. Single family dwellings, attached. Two-family dwellings, twin-home dwellings, multiple family dwellings. And we've kind of run into a situation a couple of times where we've had things that have come forward and we go to look in the definitions and not all of these are defined in the definitions. The one that is particularly an issue is the single of family attached dwellings. What I would like to do or propose to do with this is add an additional definition in the definitions and that I can just throw out quickly, there's a website out there, it's called Law Insider. They have a little definition section, and you can type any set of words in there. It'll give you definitions that they go out and find for those. Some of the examples with single family attached means, a building containing two or more dwelling units. We need a little bit more than that. So, some of these others, I think are a little bit better. A single family attached dwelling means a dwelling unit on an individual lot attached to another dwelling unit on an adjoining lot by a common party wall. I like this last one a little bit better. A single family attached, willing means one-unit structure, which has one or more walls extending from the ground to roof, separating it from adjoining structures in town homes or twin homes. Each house is separate attached structure if dividing or common wall goes from the ground to the roof, but that's one we need to tie in there. It also kind of comes into play with these people coming in and saying, they want to do these accessory units also. Under the town homes is we read through those. I mean, this is what makes sense, but it's not defined, and we'd like to have that in the definitions.

Gary Pinkham asked, do we want to bring forward the definition section?

Kristy Clark answered, yes. Dan already asked me to.

Gary Pinkham asked, do we want to have another discussion or bring it back for consideration?

Dan England answered, it depends on if you guys have, can you guys get comments to me before the next meeting? We can add any comments you might have, or do you want to give me comments in the next meeting? The one thing that I'm concerned about is all these developments that are coming in like that one we had today. 45 feet lots all the way through and that was for all the residential, and then they had town homes. Right now, I can't do anything about the town homes except for adding some of the parking spaces. I think we address some of that in here, but as soon as we get this in code, we can enforce it but until it's in code, which means it needs approval here. Then I need to go to the city council. We can't change what they're submitting. If they submit before we get this in, then they're under those



codes that were in place when we submitted them. So sooner than better, as far as I'm concerned so that we can get bigger lots and reduce all the tiny lots that are coming.

Gary Pinkham mentioned, we haven't talked about the Chapter 4 changes yet.

Dan England stated, this is the one that was a new one that we added. You didn't see this before. Gary had provided this, and we looked at, Shay had suggested that we put it in the 4.34 for multiuse residential development so we got a little bit of it.

Gary Pinkham stated, what it does is within the RM-7, the RM-15. As Dan mentioned, we've had some folks come in at 10 acres and say, "Well, I can do 70 lots because it says I can do seven per acre." But if you look at the RM-7, the way it's currently written it allows them one unit on the first 7,000 square feet and one unit for each additional 6,000 square feet, which works out to seven units per acre but it's on the lot, not on the development. So, our code currently we can very easily apply that position to these guys and say, "No, you got to take the streets out. You get seven per acre after that. What this does is kind of clean it up and then it takes care of some of the other loose items in there that we're starting to see. One guy called me up with lot sizes of just a fuzz over a thousand square feet. I don't think anybody here thinks that's reasonable. So, we've kind of looked at putting some minimum sizing on lots, looking at setback issues. We've had people come in with setbacks where you'd be hard pressed to park a contact car on the driveway. The issue of additional parking, people come in with these high-density developments. Our code requires one and a half spaces per unit. What we're looking at is, whether it's an apartment or whatever, just about every unit is going to have residents there with at least two cars. So, we're not in our parking code, planning enough for these multi-family high density deals because when you crowd these homes side by side, you lose the curbside parking. The curbside parking is gone and so there's no visitor parking. And so, we've written a little bit in here about additional parking for visitors. So, this kind of answers a lot of the issues that we're struggling with these guys to get them to address when they come in with these multifamily, whether it be apartment condo or town home type development. This takes care of a lot of those items and gives them a clear idea of what we're going to allow them to do. And at the same time, make them responsible for providing adequate parking and so on throughout their development. And that kind of goes along with Shay's comment on what is a town home or a multi-family, attached type deal. Along with the definition areas there at the bottom for law area. Cleaning that definition up so they know that the development is based on the net area. They're going to develop out of that project. They don't get credit for density by applying it to our streets, which is what they're trying to do now. They're taking the gross area in the development, which includes our streets and then saying, we're going to give them seven units per acre on our streets.

Dan England stated, then they come back and say that they're doing us a favor because they couldn't fit as much density as they could get away with. Because of our code. And that code about the parking was the one that I referred to with the one developer that was here. And asking for more parking, that's the one that we're proposing right here.

Gary Pinkham stated, right now, our current parking code, saying we got one and a half units per, spaces per unit. Down at the bottom it says that if the land use administrator, land use authority believes additional parking should be required, we can direct them to do that. So that's what we're doing right now. We're coming back and saying, hey guys, you must do it. If they ask us where it says that we tell them go right at the bottom of the chart, it's spelled out there very clearly. We have the right under our code to tell them you got to have more parking for visitors and so. And I guess the question would come, does this need to come back under chapter four?

Kristy Clark answered, I will do an agenda and do notices amending chapter 4, chapter 2, and chapter 14, 15, 16. Since we're talking about 14, 15, 16. Since we've got some new verbiage in these chapters should we include that to the mixed-use chapter also?

Shay Stark answered, I think 19a should reference back to this.

Gary Pinkham stated, as Dan mentioned, time is of the essence here. Just like we saw here this evening, we've got proposals coming into us that are under the existing situation, which in many cases is very poorly defined if at all. And, again referring to a fine book I was given last meeting, if it isn't defined, they have the right to do as they please. So, we need to get these definitions codified as quickly as possible.

**5. Consideration to approve the meeting minutes for the previous P&Z Meeting that was held May 5, 2022.**

Erik Stromberg stated, I wasn't here, so I did not second the motion to adjourn.

Kristy Clark stated, you're right. Sorry about that I will fix that.

**John made a motion to approve the meeting minutes for the previous P&Z Meeting that was held May 5, 2022. Gary seconded the motion. All voted in favor and the motion carried unanimously.**

- 6. Report from City Council Liaison, Mayor Neil Critchlow.** Mayor Critchlow asked the Commission for a meeting with City Council for June 22<sup>nd</sup> at 7:00 pm. He also mentioned that he would like the Commission to start looking at the park strip ordinance. There's a lot of things we can do besides planting grass there. So, review that, think about that. Would like to start reviewing the General Plan by October 2022. Shay Stark asked, do this have to do with the moderate-income housing? Mayor Critchlow answered, I'm not sure. Shay Stark stated, you must review the moderate income housing every two years. Gary Pinkham asked, so we just must look at the moderate-income housing. Shay Stark answered, well, you can open everything up and review everything, but that's what's driving this initially. The general plan itself is, I think the state law requirement is every five years for the whole thing, but this section is every two years.

**7. Adjourn. Gary made the motion to adjourn the meeting. Erik seconded the motion. The meeting was adjourned at 9:30 pm.**

Kristy Clark  
Zoning Administrator