

AGENDA ITEM #13

Consideration of Resolution 2021-50 approving a Memorandum of Understanding between Grantsville City and Mountain Vista Development, Inc. concerning the Old Lincoln Highway Mixed Use Project.

**GRANTSVILLE CITY
RESOLUTION NO. 2021-50**

**A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN
GRANTSVILLE CITY AND MOUNTAIN VISTA DEVELOPMENT, INC. CONCERNING
THE DEVELOPMENT OF THE OLD LINCOLN HIGHWAY MIXED-USE PROJECT.**

WHEREAS, this Memorandum of Understanding (MOU) is entered into as of the effective date (as indicated by the latest signature below (the “Effective Date”)) by and between Grantsville City (the “City”) and Mountain Vista Development, Inc. (“Owner”); and

WHEREAS, the Owner owns and seeks to develop certain real property located in Grantsville, City Utah, which property is located at approximately 1,201 North Old Lincoln Highway and consists of 148.73 acres contained within parcels 010-40-A-0022 (consisting of previous parcel Tax ID #'s including all of 01-115-0-003, 01-115-0-019, 16-031-0-0002, 01-040-A-0019, and 01-040-A-0020 and parts of 01-115-0-017, and 01-040-A-0010), 01-115-0-0020 (consisting of previous parcel Tax ID #'s including all of 01-115-0-003, 01-115-0-019, 16-031-0-0002, 01-040-A-0019, and 01-040-A-0020 and parts of 01-115-0-017, and 01-040-A-0010), and 16-031-0-0002 (collectively the “Property”).

WHEREAS, the Owner and the City have entered into this Memorandum of Understanding to memorialize the general understanding of the parties as it relates to the master plan for the development of the heretofore described property (“Project”); and

WHEREAS, the City Council and Owner met in an open work meeting on December 9, 2020, and discussed the concept plan of the future development of the Project, the approved minutes from the work meeting are attached as “Exhibit A” and incorporated herein by this reference; and

WHEREAS, the property subject to this MOU is currently zoned for Mixed Use and Commercial uses; and,

WHEREAS, it is anticipated that at some time in the future the parties will negotiate and enter into a Master Development Agreement for the Project; and

WHEREAS, the Owner and the City have agreed that the Project will be developed to contain

no more than 1,292 residential units constructed in accordance with the Grantsville City General Plan, Future Land Use Map and the Grantsville City Land Use Development and Management Code (GLUDMC); and

WHEREAS, should this Agreement terminate for any reason, other than a breach of contract by the Owner, then Owner shall not be limited to 1,292 residential units, and shall be permitted to develop the property as permitted by the laws and ordinances of Grantsville City and the State of Utah; and

WHEREAS, the Owner and the City have agreed that the Project will utilize a minimum of 20% of the land area - 29.75 Acres - for commercial development and that such development is required as a condition of this MOU; and

WHEREAS, the Owner presented to the City Council the “Project Master Plan” (the “Master Plan”), attached as “Exhibit B” and incorporated herein by this reference, which document shows the Project being separated into uses, as well as potential road placements; and

WHEREAS, the Owner and City have agreed that the 20% commercial use may be considered for relocation to a parcel located directly west of SR-138 to another parcel within the project area to provide a residential buffer between existing uses to the east of Old Lincoln Highway and to encourage the use of Old Lincoln Highway for local traffic retaining the through traffic and truck traffic on SR-138; and

WHEREAS, the Owner and City agree that the Owner shall not develop more than an additional 258 residential units on the Property and that such additional development shall be granted in place of the 20% commercial use on the Property, if the commercial use is relocated; and

WHEREAS, notwithstanding anything to the contrary on this Memorandum of Understanding, the City and Owner specifically agree and acknowledge that the Owner shall be entitled to seek the creation of one or more Public Infrastructure Districts permitted pursuant to Utah statutes, particularly Chapter 2a, Part 12 of the Public Infrastructure District Act, (the “PID Act”) as determined by Owner,

in order to implement and facilitate the financing, construction and operation of public infrastructure for the Subject Property. Subject to the provisions of the PID Act, the City and Owner agree to continuing cooperation in connection with the formation and operation of Public Infrastructure Districts, if created, in order to accommodate development circumstances, to fund, construct and/or provide public facilities and services set forth in this Memorandum of Understanding or otherwise required in connection with the development of the Property, within or otherwise serving all or a portion of the Subject Property. The City agrees that it will exercise any rights reserved to the City under the PID Act in connection with the establishment or operation of any Public Infrastructure District for the Subject Property in accordance with the requirements of the PID Act, or any portion thereof. Any Public Infrastructure District created for the Subject Property, or any portion thereof, shall not create any financial liabilities for the City.

WHEREAS, the City Council hereby finds these actions are in the best interest of the public's health, safety, and general welfare.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRANTSVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Memorandum of Understanding. The City Council hereby authorizes the Mayor to enter into this Memorandum of Understanding ("MOU").

Section 2. Amendments. This MOU may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date it is signed by all signatories.

Section 3. Termination. If any signatory to this MOU determines that its terms will not or cannot be carried out, the party shall immediately consult with the other part(ies) to attempt to develop an amendment to this MOU. If within 120 days an amendment cannot be reached, any signatory may terminate the MOU upon written notification to the other signatories.

Section 4. Duration. This MOU shall remain in effect for a period of five (5) years after the

date it takes effect, unless it is terminated prior to that time. If there are no objections from any signatory, the term of this MOU will be automatically extended for an additional five (5) years, so long as the signatories agree to an extension at least thirty (30) days prior to the termination date. If any party objects to extending this MOU, or proposes amendments, the parties should consult to consider amendments to avoid termination.

Section 5. Severability Clause. If any part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution and all provisions, clauses and words of this Resolution shall be severable.

ADOPTED AND PASSED BY THE CITY COUNCIL OF GRANTSVILLE CITY, THIS 7th DAY OF JULY, 2021.

BY ORDER OF THE
GRANTSVILLE CITY COUNCIL

By Mayor Brent K. Marshall

ATTEST

Christine Webb, CityRecorder

MOUNTAIN VISTA DEVELOPMENT, INC

Date: _____

By: _____

STATE OF UTAH)

: ss.

COUNTY OF _____)

Before me, a notary public, appeared _____ on the _____ day of _____, in the year _____, who affirmed that (s)he is an authorized agent for Mountain Vista Development, Inc, and that (s)he read, understood and executed that foregoing Agreement on behalf of Mountain Vista Development, Inc., for its stated purposes.

Notary Public

Residing at _____, UT

My Commission Expires: _____

EXHIBIT A

Approved

MINUTES OF A WORK MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON DECEMBER 9, 2020 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH AND ONLINE AS A ZOOM MEETING. THE MEETING BEGAN AT 6:45 P.M.

Mayor and Council Members Present:

Mayor Brent Marshall
Jewel Allen
Jeff Hutchins
Darrin Rowberry
Krista Sparks

Scott Stice was excused.

Appointed Officers and Employees Present:

Christine Webb, City Recorder
Brett Coombs, City Attorney
Sherrie Broadbent, Finance Director
Jaime Topham, Planning Commission Chair
Kristy Clark, Zoning Administrator
Timm Dixon, City Engineer

Citizens and Guests Present:

Whit Cook
Monte Kingston
Derek Ellis
Shay Stark
Marilyn
Adam Long

AGENDA:

- 1. Discussion with Monte Kingston and Mountain Vista Development on 155 acres in the northwest area of Grantsville City about the future uses and density for that property.**

Derek Ellis and Monte Kingston were present. They provided a conceptual land use plan. Mr. Ellis explained this was a conforming use to the General Plan. He stated they are going to come to the City for a re-zone on this property. He said they are looking for some direction from the City on what they would like to see in this area. He commented this seems like a good area for the zoning they are requesting because of the direct freeway access.

Approved

Mayor Marshall reported he received a comment concerning the property directly north of the Silver Fox Development. The road ties in on the existing road and there is concern about traffic going from the subdivision to the commercial area. Mr. Ellis pointed out these were conceptual roadways. Mayor Marshall stated the individual was not opposed to the development, but had some concerns. He noticed there is another through street that could help alleviate some of the residential traffic going in and coming out coming off both Hwy. 138 and Old Lincoln Hwy. Mr. Ellis stated he expected the City would want them to extend that road.

Mayor Marshall shared that the individual who spoke with him hoped the homes will be equivalent to the homes already there. Mr. Ellis asked if he meant in square footage of the homes or lot sizes. Mayor Marshall believed that he wanted the new homes to blend with the existing homes. Mr. Ellis explained they normally take some form of transition from the density and structure type to the commercial area. Mayor Marshall shared from the information he had that this person is requesting that any homes that directly connect to their neighborhood only be zoned as R-1-21. And that the City require any developer to adhere to the design presence or equivalent that has already been set. They felt that if the developer requests to build a residential neighborhood with properties that are smaller than half acre or that use a different design or abated quality, they request that there is no direct access through the community but be required to create separate access points from the Old Lincoln Highway or 138. This person believed that to maintain uniformity and aesthetic appeal the lots sizes should be larger further south than they are and decrease in size as they go north. They felt the intersection at Old Lincoln Hwy. and 138 would be an ideal location for access to any potential apartment or business complexes to be built. Mr. Ellis stated as long as the Fire Marshal is okay with it, he suggests they do not bring that street through. He added there will be transitional density starting with what goes up (which will not be half -acre) from that point moving north.

Mayor Marshall reported another request of the individual was to have them bury the power lines already there. Mr. Ellis stated they cannot do that. Mayor Marshall stated the next concern was a park. The nearest park is Lincoln Park which is farther south and a considerable distance away. The individual felt it would be greatly appreciated if there was open public space equal in size to the Lincoln Park but closer to the size of a regional park with walking trails and paths. Other concerns from people in the neighborhood were increasing the water pressure, improving the Old Lincoln Hwy., and getting faster internet speeds into the area. Mr. Ellis stated this area is not conducive to a regional park. He pointed out there is a great area next to the current Worthington development that would be great for a regional park. He agreed there should be a regional park and they will work towards it just like they have with Wells Crossing.

Councilwoman Allen inquired about the trail idea. Mr. Ellis answered they love that idea. He thought this area is conducive that, but as far as open soccer fields and baseball fields, the land next to Worthington would better serve for a regional park. Mayor Marshall agreed that there

Approved

would be more room to do some of those things at the Worthington area. Mr. Ellis reported there is a lot of area that can't have sewer and a regional park would be the perfect use of that land. Councilman Hutchins commented the sewer in this area of town and asked if Mayor Marshall could give him an update. Mr. Ellis explained what allows them to use this piece of property is the engineering they put in place at the Worthington project. They have been working on that project for two to three (2 – 3) years.

Mayor Marshall stated there was a comment on Zoom that they could not hear the audio of the meeting.

Mayor Marshall, Mr. Ellis, and Mr. Kingston talked about the easements. Councilwoman Allen asked about the church sites shown on the map provided. Mr. Ellis confirmed it was either one site or the other. He explained this is the biggest project they have ever done. They thought the best approach would be to come to the City to find out what the City would like to see happen, discuss what they, as developers, would like for densities, and what the City would like for amenities and businesses. Then they will design a master plan for the development. Councilwoman Sparks asked what the current zone is for the property. Mr. Ellis answered there are two zones; one is commercial and the other is mixed use. He stated they would like to have an MOU (Memorandum of Understanding) or a Master Development Agreement so they can lock in some numbers on the densities. He stated they are not asking for the densities listed on the conceptual plan. They do not want thirty (30) units to the acre for commercial; those came from the general plan.

Mayor Marshall felt the commercial part of this is one of those things we would like to see. He thought something along the lines of a mini-truck stop to get the trucks off the road would be a good idea. Mr. Ellis reported he contacted Flying J about placing a facility in this location. There was a discussion about possible commercial ideas.

Councilwoman Allen inquired about the concern on water pressure. Mayor Marshall stated there is not a water pressure issue because there is a huge (twelve inch) waterline out there. He explained it is partially looped because there is a waterline on Hwy 138 and one on the Old Lincoln Hwy which goes beyond Bonnie Plants.

Councilwoman Sparks asked about the water usage and whether they will fully landscape the property or have xeriscape. Mr. Ellis felt they will have more of a xeriscape. Councilwoman Allen expressed concern about light pollution. Mr. Ellis stated they would prefer to minimize light pollution and felt it is best to have downward facing sconces on any residential developments.

Approved

2. Discussion with Monte Kingston and Mountain Vista Development regarding water for the Scenic Slopes P.U.D. Subdivision.

Councilman Hutchins stated he and Councilman Stice were concerned about being asked to minimize the water requirements in the area. He said they are all about xeriscaping and think it is important. He reported they are concerned about how long we can assure it doesn't change. He added the number one issue with growth in this valley is water. Mayor Marshall added that if we allow Scenic Slopes to do the xeriscape, would there be some covenants of the development stating it will remain xeriscaped even if the home is sold. Mr. Ellis stated they will restrict it. He commented they talked to the Mayor about getting a regional park put together and even with the density being used in the subdivision, the amount of land dedicated as a park will exceed the requirement by over 100%. He stated they will restrict the water usage any way the City would like them to.

Mr. Ellis reported they are installing landscaping. He stated this is difficult in Utah because you only have four or five months out of the year where you can't grade to install landscaping. He commented that one of the difficulties that comes with this subdivision is they will have to bond with the City. This will create some administrative process for staff. Timm pointed out that is part of the Land Disturbance Ordinance.

Councilman Hutchins explained Councilman Stice was concerned about the precedence of allowing the water requirements to be adjusted. Councilman Hutchins stated he had a hard time talking to constituents and saying they made exceptions to water. We need to educate the public on the fact that this provides conservation of watering. Mr. Ellis added that they are going to deed restrict it and that makes sense. Mayor Marshall liked having the deed restriction on the mylar. Mr. Ellis said they will deed restrict it, add it to the mylar, and put it in the CC&Rs. Mr. Dixon requested to see the calculations they used to come up with the amount of outdoor water. Mr. Kingston will provide Mr. Dixon with the calculations.

3. Closed Session (Personnel, Real Estate, Imminent Litigation).

Motion: Councilwoman Allen made a motion to go into a closed session for pending or imminent litigation.

Second: Councilwoman Sparks seconded the motion.

Vote: The vote was as follows: Councilwoman Allen, "Aye", Councilman Rowberry, "Aye", Councilman Hutchins, "Aye", and Councilwoman Sparks, "Aye". The motion carried and the Council went into a closed session at 8:07 pm.

Approved

Those in attendance were: Mayor Marshall, Councilman Rowberry, Councilwoman Allen, Councilman Hutchins, Councilwoman Sparks, Brett Coombs, Christine Webb, Adam Long, and Sherrie Broadbent.

Motion: Councilman Hutchins made a motion to go back into an open session.

Second: Councilwoman Sparks seconded the motion

Vote: The vote was as follows: Councilman Rowberry, "Aye", Councilwoman Allen, "Aye", Councilman Hutchins, "Aye", and Councilwoman Sparks, "Aye". The motion carried.

4. Adjourn.

Motion: Councilwoman Allen made a motion to adjourn. Councilman Rowberry seconded the motion. The meeting was adjourned at 9:18 p.m.

Exhibit B

Future Land Use Zoning

Statistical Summary

Acres	Land Use	Res. Net Density
87.4	Commercial and/or Residential	30 du/ac
45.7	Mixed Use and/or Residential	15 du/ac
21.9	Roads	
Totals	155.0	



GRANTSVILLE
 Conceptual Land Use Plan
 November 16, 2020

Scale: 1" = 440'



STATE OF UTAH)

: ss.

COUNTY OF TOOELE)

I, Christine Webb, do hereby certify that I am the duly appointed, qualified and acting Recorder for the Grantsville City Council, (the "City"), State of Utah, and do further certify that the foregoing is a true and correct copy of Resolution 2021-50, duly adopted by the City of Grantsville, by the Council thereof at a meeting duly called and held in Grantsville, UT on the 7th day of July, 2021.

Christine Webb, City Recorder