

MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD 02/17/2022. 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 Jaime Topham

Commission Members that were present on Zoom: Commission Member John Limburg

Commission Members that were absent:

Appointed Officers and Employees Present: Zoning Administrator, Kristy Clark; Grantsville City Attorney, Brett Coombs; City Engineer Dan England

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

Citizens and Guests Present:

THE REGULAR MEETING WAS OFFICIALLY CALLED TO ORDER BY COMMISSION CHAIR, BRIAN PATTEE AT 7:03 P.M.

PLEDGE OF ALLEGIANCE

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

- 1. Consideration to recommend approval of the Preliminary Plan for Iconic Development, LLC. on the Blue Spruce Subdivision located approximately at 620 South Quirk Street for the creation of thirteen (13) ½ acre lots in the R-1-21 zone.**

This agenda item was pulled by the applicant.

- 2. Discussion to amend land use code #7.5.1 and #7.8, Chapter 7, Conditional Uses, in the Grantsville City Land Use Management and Development Code.**

Shay Stark with Aqua Engineering was present for this agenda item and stated to the Commission: The first piece of this is in 7.5, and then we want to add two new paragraphs for this. In paragraph number one, it starts out with the conditional use permit application shall be made to the zoning administrator no later than 21 days prior to a schedule planning commission meeting. We're taking that out because they're not going to know when the meetings are to turn in an application. Then the second part of it, as you may remember, it's been a little while ago that this code was updated and there were certain conditions where Kristy was allowed to make approvals at a staff level and certain situations where she needed to bring it towards the planning

commission. Number two, the zoning administrator shall send out the appropriate notification for all conditional use permits. If comments are received that indicate a concern about a proposed conditional use, the conditional use shall be sent to planning commission for their consideration. And then the second one, the zoning administrator does not have the authority to approve commercial conditional use permits, requiring construction of new facilities or requiring exceptions or variances to the city ordinances and standards. Then the other changes here, the change from 300 feet to 500 feet in the noticing is just a match, the city's code for noticing. Then the other spot, 7.8 in the determination. And I know we've discussed this previously too, instead of specifically calling out horses in the R-1-21 and RM-7 zoning districts, just simply saying animals. Because there's situations with all different types of animals that they're required to come in for a permit. This allows Kristy to review and again, if those permits are straightforward, be able to approve them and address them. Not just horses in the R-1-21 and RM-7 zone.

Erik Stromberg mentioned, 7.5.4.E, I notice we've crossed out one 300 feet made it 500, but in the last line there, there's still 300. Is that one to be switched to 500 as well?

Shay Stark answered, the first one is the noticing. So, who gets notice on this? The other one that I believe comes from a requirement with TWI county and maybe even the state that the property owners that are on the tax roll with the county assessor, within that 300 ft. boundary must be included. Their names and addresses must be included in the map.

3. Discussion to amend Chapter 14, Chapter 15, Chapter 16, and Chapter 17 of the Grantsville City Land Use Management and Development Code.

Kristy Clark stated, Gary has gone through chapter 14 and 15 and found some items that need to be amended. Shay also found some issues in Chapter 16 and 17 that need to be discussed.

Shay Stark stated, there's some similar language in each one of those sections that we wanted to remove out of it, because it really, it doesn't accurately reflect what we do and what's shown on the tables. For instance, 14.6, codes and symbols the use table in the description that's up above the tables. It has a statement, a conditional use that can be issued by a zoning administrator by guidelines issued by the planning commission is indicated by a CA and the appropriate column. Well, we have a description in Chapter 7 of again, of what can be approved by the zoning administrator.

Gary Pinkham stated, on this agenda item, let's revise that to include Chapter 4 and 21. Because the last two paragraphs address. These items are the driveway and utility issues. We need to conform 4.5 and 21.6.2(3) there. So, when we make this amendment, it's going to include minor changes in Chapter 4 and 21 as well. Chapter 6.14.4(C) tells us how that dimension is supposed to be measured. That's where the difficulty comes in, is we don't have sufficient width at the frontage of these lots to accommodate the driveway, the sewer, the water, and the dry utilities in that frontage width. Especially in the cul-de-sacs because of the tapering nature of the lot line, when you get out to the curb line, those lots are only roughly 40 feet wide. o when you put a 30-foot driveway in there, you

don't have your 15 feet on one side for the sewer water, five feet on the other side, actually six feet on the other side between you and the neighbor's driveway.

Kristy Clark asked, Gary, is this where you want to match the 70-foot frontage?

Gary Pinkham answered, this is the one that's taking things to 70 feet. And then in 4.5 and 21.6.2(3), they go down as little as 30 feet. They permit lots with no more than 30 feet. So, we need to get rid of that and conform everything back to the code for 70 feet. And that gives us enough width on a 7,000 square foot lot, which is the smallest lot we have in town, unless it's an old nonconforming. That's still a 70 by 100-foot lot, less the building setback still gives you a 55 by 55 building back. And that's over 3000 square feet. So, there's more than enough room for anybody's house even if we go to the 70-foot frontage on the smallest lots out here. We've had some of these lots recently where you probably couldn't legally give a 20-foot driveway of maybe 16- or 18-foot driveway lot. And at 4.5, I think it's the 3:1 requirement. By going to 70 feet, then even those smaller lots, you're not going to be over that 3:1 in a situation where that 3:1 length to width issue would give us a problem.

Kristy Clark asked, so we want to remove the 3:1 rule reference on those smaller lots and just go back to this?

Shay Stark answered, I want to pull out and this was going to be discussed in the Chapter two definitions, but really it fits exactly what you're saying here. So, I just want to bring this up so everybody's aware of this. In the city's definitions there is a, let's see if I grab it really quickly. So, 183 in the definitions is a definition of lot width. And it says, the horizontal distance between the side of lot lines measured at the required front yard setback line or rear yard setback line, whichever is shorter. And so basically, it's saying that minimum lot width must be, is literally sitting at a building frontage, which we may want to change that so that's the frontage of the lot, but it also is nailing us down that whatever state is that minimum lot width is truly the minimum lot width throughout the lot. Not just at that frontage.

Gary Pinkham added, when we get into the definitions, that's one thing I noticed. In definitions, there's physical requirements in those definitions that don't match our codes. Driveways is another one. One area it says you need a 30-foot driveway; in another area it says you must have 66 feet. And it varies from a definition Chapter 2 to Chapter 21, like three different definitions and none of them are conforming. We need to clean up our def- what we really need to probably do is within the codes, pull out the definitions and put them into Chapter two definitions. And if we're talking about a driveway, a driveway is a driveway, the definitions. Don't redefine it every time we write it, which we've done. This particular item in lot width, if you go to these Chapters here, this is at the front property line.

Shay Stark stated, that's why I was bringing this up, particularly because this is telling us that we measured from that front setback. But I have no problem. If we're going to measure from the front property line, any frontage dimensions throughout the code ought to be measured from that front property line. Or I guess the question becomes, is do we say, what if that minimum is the back property line?

Dan England stated, hopefully that 70 leaves you room for a car park there too. Which is always a problem that cul-de-sacs.

Kristy Clark asked, Shay, do we need to strike the setback, the word setback in that 183 shape, because the setback is, I mean, that's 40 feet. So, if we're measuring from 40 feet to the 30 feet, that's not accurate. It needs to say property lines.

Shay Stark answered, yes.

4. Discussion to amend Chapter 3 through Chapter 24 in the Grantsville City Land Use Management and Development Code.

Jaime Topham stated, in our packet, you have item four as being amendment Chapter four for animals living in a storm water basin.

Kristy Clark stated, we need to add that to the items that Gary has for Chapter 3 through 24. That is just an add-in. We've discussed animals going in the retention basins, and we all agreed that we shouldn't allow any more than the one that we've we already permitted.

Shay Stark stated, this came from Dan. Dan has been looking into this a little bit and has come to the realization that the feces from the animal, if that basin floods over, they end up in the public way or somewhere where the public can come in contact with them. We've got a public health issue.

Gary Pinkham stated, I like the idea of getting the animals out of those basins. As I was going through this, there's a combination of types of corrections. Some of them were in the word or correcting a word in order to make the meaning of the sentence correct like the first one, changing the word of two or in order to make the title of that 3.11 read correctly. So, what I've done is red-lined those simple corrective issues. You go down to number seven, someone when they typed up the code and typed the word corrected. That should be construed. I'm not sure who was doing the typing. They probably had recorded their notes, transcribed at home. So, I've highlighted in red some of these simple corrections that should be easy to make those changes. The ones that I haven't done in red need to be discussed as to how we want to go about doing them. In some instances, like two, three, four, a reference code doesn't exist, and I guess the question is, do we need something referenced? And where is it? What is it? Do we need to write something? So those are going to take a little bit time and effort to come up with corrections. But by getting rid of the red ones, if nobody sees a typo among those, we could probably get rid of 50% of the list pretty quickly.

Jaime Topham asked, so who could we assign to do this, to give us relined copy of each of these code provisions that you must consider the next time we're here? Will we need to have another discussion before we have it on an agenda for consideration?

Kristy Clark answered, I will have it ready for you and yes it will go on an agenda for another discussion before it gets considered.

Gary Pinkham mentioned, some of these need to be gone through and discussed with the Attorney, Engineer, and Public Works. There's some of it I think we must have copied from somebody else's ordinances because I can't figure out why we have them here in Grantsville. I think they got imported probably back in the 70s when they set up first set of codes. So, it's kind of a cleanup issue. And like I say, the ones that are in red are generic and simple. Revising a word to make it read correctly or revising a statement to make it read correctly. It's going to take us a while to get through this list.

Kristy Clark asked, Gary, the red is okay to keep and move on for consideration but the items in black you want me to take off so we can look at it and maybe have a staff meeting or something? Okay, perfect.

Gary Pinkham answered, we could bring the red back for public comment and consideration. The other, we need to do some in-housework on.

Jaime Topham asked, so really quick on 3.11, number five, it says the water legislative body shall adopt and then you strike out everything. So, are we just striking out number five entirely?

Kristy Clark answered, yes, because it references the 3.10 which does not exist.

Jaime Topham stated, then we need to strike out all of number five.

Gary Pinkham stated, we either need to determine if we need some reference code here under this and get the correct code and correct wording.

5. Discussion to amend the definitions in Chapter 2 of the Grantsville City Land Use Management and Development Code.

Shay Stark stated, so this one, as of right now, we've got one specific item that we want to talk about. As we've said earlier, there's a lot that needs to occur in this chapter, but really, what we want to talk about here is private streets. We're running into a lot of issues lately, between definitions of what driveways are versus private streets. In our Parking Code, we have a section that talks about driveways or accesses for emergency services, and we've got conflicts between all these different things. But one of the things that has really stood out, I think that everybody's been reviewing it, a couple of projects recently, one project is some town homes on a piece of property and the requirements of this private street. And then also it falls back in this parking when it talks about an emergency access driveway or a driveway that can handle emergency access. In this private street, we're basically told that they can construct a private street that is essentially the right of way is not less than 30 feet wide and the travel way only needs to be 20 feet wide to serve up to two dwelling units. then once they get beyond that, they must construct a full blown, 66-foot-wide right of way, 42-foot-wide street. In this other section in the parking, in these

emergency accesses, they're required to construct a full blown, 60-foot-wide driveway or access way street until they get back to 500 feet. And then at that point, they can go to a narrower street. As we were looking at these, we were digging into the fire code to try to really understand what was needed with the fire code. And about a year ago, I think it was, we went through a lot of our chapters, and we changed the minimum widths to 26 feet to meet the fire code, assuming that in most cases there's going to be a fire hydrant somewhere along this longer section of whether their driveways or streets. so, as people develop the street, we no longer just tell them they only must develop 24 feet of pavement as a minimum, they must develop 26 feet so that we meet that International Fire Code requirement. And the previous fire marshal, several years ago, sent me a picture that I wish I could show you, but it was explaining why we need the 26 feet. Why the extra two feet versus just the standard two 12-foot travel lanes and he has in this picture, shows a fire truck with the extensions down on it. And another, I think it's an ambulance or a fire truck right by it. When you are trying to pass by there, you're driving right along the edge of the asphalt. So, the 26-foot minimum width totally makes sense. And then the fire code says, if you want parking on one side, you need a minimum width of 32 feet wide, which that's only six feet more. But if you think about it, you're really getting eight feet of parking out of that. And so, you go to a 32-foot-wide driveway or street or drive if you want parking on one side. So then, if you take that same concept, and if you want it on the other side, then the fire code at that point, it doesn't really say anything else. It doesn't go beyond that. But if you take that same concept and you put parking on the other side, then you get up to the 38 feet. If you look at the six or 40 feet, if you look at an eight-foot-wide parking on the other side, which kind of tells you where we get this 42-foot-wide pavement, and that 66 foot right of driveway, and why we use that minimum. It's right there, but we're asking ourselves these questions. If this is a private street, so the city is not maintaining the street, it's privately owned, obviously we need to have the width of pavement for the fire access and emergency equipment and emergency access. As I look at that and think about that, I look at it and go, "Well, that should be decided by what they're planning to do with this." For instance, in this particular case of these town homes, they have a street going back in, they've got town homes on one side, they can't park on that side anyway, because the town homes are narrow. There's just not room for cars to park in between the driveways. And so, in that case, mostly they would have parking on the opposite side. So, why should they be required to put in more than 32 feet of pavement? There's no benefit to that additional pavement width in there, and if it's a private street, why should they be required to put in park strips and sidewalks that don't serve any benefit? Maybe you put it on the side that you're fronting homes on, but why does it have to be on both sides? It makes no sense. You can use that as a buffer area between the next property and landscape it or for something else. And so, we're just looking at some of these issues and questioning how reasonable these requirements are. We want to make it sure that we're consistent in the code, and how we apply this. Because right now it's not very consistent when somebody comes in with a set of plans, with a public access driveway versus a private street and yet the two function the same.

Brian Pattee asked, is it because we're calling it a private street versus just a driveway?

Gary Pinkham answered, that's half of the problem. If you go over into the parking ordinance that showed up last year, the Public Safety Access addresses private drives because it says, "Any

driveway over 150 feet measured from the right of way line to the front of the building, any private driveway must be constructed to minimum standards of a city residential street, and it must have a city standard cul-de-sac." That means if you had a lot and the front of your house was 151 feet from the street, you would have to build a full blown, 66-foot-wide right of way and 120-foot cul-de-sac to your front door, by code. So, it seems like we're requiring something of people to go way beyond reasonable, both in our private street definition and in our public access definition in the parking ordinance. I think we talked about simply taking the private street and/or a public safety access ordinance, and simply say that it must be built to a minimum of the International Fire Code. Now if we want to make it wider for parking, or if we want to make it wider for curb, gutter, sidewalk, if we've got a 25 to 30 lot or unit complex back there where we need pedestrian access. We can go beyond the minimum of the fire code, but if we set it as a minimum for the fire code.

Dan England stated, if we put a minimum in here, that's what they'll build to. And it's very, very difficult for us to require them to do more because they come back and say, "No, your code says, I only have to build to this."

Brian Pattee stated, well, I can see a problem down the road for like 10 town homes and then 10 years from now someone decides they want to just continue with this little narrow, private driveway, with the next set of town homes and so on and so forth. And then, you essentially got a private street, but it goes two blocks through a field. Right?

Gary Pinkham added, maybe we need a definition for single residential driveways and add a definition for multi-units. Because right now, if I were to build a home and got down there on main street right now, around 300 feet from street by code, I would have to have a finished 66-foot-wide street, 120-foot finished cul-de-sac there by code.

Brian Pattee stated, I guess through attrition, we can fix these, right? But we have the ones that, it starts out with one house with the driveway and then all the kids want to build a house and then you end up with three or four. Literally it should be a public road back to it but it's still just a private street.

Erik Stromberg stated, I think those cases where there's a house on the front and we put a private street to access in the back. And there's another home back there. I can see where those cases make sense to have a private home, or I've done a private lane to put two or a private street to do two. I can see that. Where I start to struggle is allowing a commercial property where I'm building town homes, you mentioned condos, apartments, or something like that, and, calling it a private street because it saves me the space and I can get more town homes.

Gary Pinkham stated, this definition goes beyond the definition. It includes about three different spec items. Whether it's a single dwelling or multiple or if its less than or over 150 feet, there's three or four if and or buts in here. All this specification and standard requirements that go beyond the definition of a private street. If it is the driveway, it's a driveway. If it's not, it's a

street. I don't problem with keeping private streets, but we should have minimum standards for the surface.

Dan England stated, we can stick to the code, and I think that's good, but I don't think we need the code fit every situation. But, if there is a situation, I guess that's what the CUP is all about. Right? We can put requirements on it that makes sense to try and make it work.

6. Discussion to amend the land use code #6.14.7 in Chapter 6, Driveway Regulations, Public Safety Access Driveways of the Grantsville City Land Use Management and Development Code.

The Commission felt like they covered this agenda item with the previous discussion.

7. Discussion to amend the open space requirement in Chapter 21.1.15 and in the General Plan, Recreation and Open Space.

Jaime Topham asked, Shay, the general plan is our plan, and the developer can't rely on the general plan language. They must comply with the code language, correct?

Shay Stark answered, Correct. I think this discussion is what the Attorney wanted to have and he's not here tonight. We've stated in the general plan that for open space and recreation and part of the problem is it didn't get well defined in the general plan. There's not a difference between open space and parks and the general plan in the way it's the way it's written. If I remember it saying four acres per thousand people. And what I think the Attorney has come to realize is with us saying that in the general plan, and in the code, we're requiring 10% open space. The 10% open space adds up to way more than four acres per thousand people. And he probably feels that we are on shaky ground. We may need to redefine something in the general plan. I would also suggest that maybe we bump up our park space a little higher than that. The study is interesting because I think it says 15-17 acres per thousand that Jones and Demill referenced. And then they turn around and say, but the city's only doing four acres per thousand. Maybe we could define the difference between parks versus open space or something. I think that would help the Attorney to feel more comfortable. I think there needs to be more discussion. I think the other thing is over the last several legislative sessions, the legislature has really tightened up the definitions around the fees that cities can charge. And maybe he feels charging that fee and lieu may not be legal. I don't know that for sure. Again, I haven't talked to him, but I also wondered about that. They keep tightening it up so that the cities are really in a position where the only thing that we're going to be able to use is impact fees or developers must use PIDs, public infrastructure district.

8. Discussion to amend application processes and notifications.

Kristy Clark stated, this one's probably mine and the Mayor's. I didn't put anything in the packet because I needed more clarification. I think we need to discuss the applications and the process, the notifications. How do you want to handle number eight?

APPROVED P&Z MINUTES

Mayor Critchlow stated, we can sit down and discuss it. you guys suggested for me to come in and shoot a movie and go through the whole process and put it on Facebook or social media. I like that idea. They need to know what is going on from the start to finish. I want people to be aware of what we're looking like in the future.

- 4. Report from City Council Liaison, Mayor Neil Critchlow.** There's a lot of things that I got tonight and I will take them back to the city council at our next meeting.
- 5. Adjourn. Gary made the motion to adjourn the meeting. Jaime seconded the motion. The meeting was adjourned at 9:05 pm.**

Kristy Clark
Zoning Administrator