

## TOOELE CITY PLANNING COMMISSION MINUTES

**Date:** Wednesday, October 23, 2019

**Place:** Tooele City Hall Council Chambers  
90 North Main Street, Tooele Utah

**Commission Members Present:**

Shauna Bevan  
Melanie Hammer  
Tyson Hamilton  
Chris Sloan  
Tony Graf  
Bucky Whitehouse  
Ray Smart

**Commission Members Excused:**

Phil Montano  
Matt Robinson

**City Employees Present:**

Andrew Aagard, City Planner  
Roger Baker, City Attorney  
Jim Bolser, Community Development Director  
Paul Hansen, City Engineer

**Council Members Present:**

Council Member Gochis  
Council Member McCall

Minutes prepared by Kelly Odermott

Chairman Graf called the meeting to order at 7:00 pm.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Commissioner Sloan.

**2. Roll Call**

Chris Sloan, Present  
Melanie Hammer, Present  
Shauna Bevan, Present  
Tyson Hamilton, Present  
Tony Graf, Present  
Bucky Whitehouse, Present  
Ray Smart, Present

3. **Recommendation on the Golf Course View Subdivision Preliminary Plan by Bryton Lawrence, a 13-lot subdivision on 5.8 acres located at 1366 Smelter Road in the R1-7 Residential zoning district.**

Presented by Andrew Aagard

Mr. Aagard stated that the parcel is located on Smelter Rd and is surrounded by the golf course on the west and south. Tooele County unincorporated land is on the east. The surrounding properties are R1-7 Residential. The applicant is requesting to subdivide the property into 13 single family residential lots. The lots range in size from 10,300 square feet to 23,000 square feet. All lots in the subdivision have been reviewed against the R1-7 building code for lot size, lot width, and lot frontages and each lot complies with the zoning ordinance. Staff is recommending approval with the conditions listed in the Staff Report.

Chairman Graf asked if there were any comments or questions from the Commission.

Commissioner Bevan, disclosed that the applicant is her nephew, but that she is not connected monetarily to the project.

**Commissioner Sloan motioned to forward a positive recommendation to the City Council for the Golf Course View Subdivision Preliminary Plan by Bryton Lawrence, for the purpose of creating 13 single-family residential lots, application number P19-252, based on the findings and subject to the conditions listed in the Staff Report dated October 17, 2019.** Commissioner Hamilton seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Hamilton, "Aye," Commissioner, Smart, "Aye," Commissioner Whitehouse, "Aye," Commissioner Bevan, "Aye," Commissioner Sloan, "Aye," Chairman Graf, "Aye." The motion passes.

4. **Recommendation on the England Ridge Subdivision Preliminary Plan by Garlington Development, LLC, an 87-lot subdivision on 22.3 acres located at approximately 810 North 520 East in the R1-7 Residential zoning district.**

Presented by Andrew Aagard

Mr. Aagard stated that this is a subdivision application. The applicant is proposing to subdivide the parcel into 87 single family residential lots. The subdivision has been reviewed against the R1-7 Residential zoning code for compliance for lot size lot width, and frontages. The lots in the subdivision do comply with the R1-7 zoning code. There are some specific issues related to Middle Canyon drainage that are detailed in the Staff Report. The staff is recommending approval with the conditions listed in the staff report with additional conditions requested by the City engineer.

Chairman Graf asked if there were any further comments or questions.

Chairman Graf stated that he noticed that each lot will need to provide a FEMA flood evaluation certificate. Mr. Aagard stated that is related to the 20 lots that are located next to the Middle Canyon drainage ditch. When a building permit is provided there will need to be the documentation for the lot.

**Commissioner Hamilton motioned to forward a positive recommendation to the City Council for the England Ridge Preliminary Plan Request by Joe Garlington, representing Garlington Development, LLC for the purpose of creating 87 single-family residential lots, application P19-231, based on the findings and subject to the conditions listed in the Staff Report dated October 16, 2019** Commissioner Bevan seconded the motion. The vote as follows: Commissioner Hammer, “Aye,” Commissioner, “Hamilton,” Commissioner Bevan, “Aye,” Commissioner Sloan, “Aye,” Commissioner Smart, “Aye,” Commissioner Whitehouse, “Aye,” Chairman Graf, “Aye.” The motion passes.

**5. Review and Decision of the initial draft of the Overview Element of the Tooele City General Plan revision.**

Presented by Mr. Bolser

Mr. Bolser stated that the City has been trying to start working on a comprehensive revision of the General Plan for several years. The first element is an overview element or precursor to the General Plan, the second precursor to the Plan that will be coming forward at a future meeting will be the Introduction. The Overview is intended to be background information and explain origins of the General Plan, the intent and common misperceptions as to what a General Plan does, among others. Mr. Bolser stated that the goal is to have the Introduction document done at the next Planning Commission meeting in November. Mr. Bolser noted that the intent of the General Plan is to have all the elements of the document relate and interwoven. During the process of updating the General Plan there will be changes within each element as the other elements are changed and updated. At the end of all the revisions there will be a draft review and public process to review and solicit input from the general public. The General Plan is intended to be the vision of the community over the next 20 years. Mr. Bolser stated that there was one correction that already needed to be made in the draft, Under Common Misconceptions, subsection zoning, there is a statement “This is only true if the Governing body adopted an ordinance that specifically establishes this requirement.” The draft indicates that the City has not adopted such an ordinance but in fact Tooele City has already adopted the ordinance.

Mr. Bolser further stated to the Commission that the process of developing the General Plan by State law lies in the hand of Planning Commission for every community. It is outlined in the State Code for the Planning Commission to prepare and propose a General Plan to the municipality governing body. The City staff does not expect the Commissioners to develop the plan themselves, but the staff assists in the efforts.

Chairman Graf asked if there were any further comments or questions.

Commissioner Bevan asked, Mr. Bolser to explain a diagram pyramid in the draft. Mr. Bolser stated that this is a conceptual intent to graphically show the relationship of regulation in

regards to planning. This drawing shows a comparison of building a community and drawing a parallel to building a house, because people usually have a concept of how to build a house.

Commissioner Hammer stated that she needs some clarification on the difference between Master Plan and General Plan. Mr. Bolser stated that everyone refers to the General Plan as the Master Plan commonly, but it is not. A Master Plan is a specific plan for a specific area. The General Plan covers the entire City. A Master Plan builds off the concepts of the overall General Plan but for specific areas within the City.

Commissioner Sloan stated that courts seem to be looking to the General Plan on land use decisions fairly frequently. Is there some way to better understand what a court would be looking for if the plans needs to be defended? Mr. Bolser stated that generally speaking from the case law that has come out, courts are looking for separation from what the General Plan guides or says. Mr. Bolser stated that for example, if the General Plan were to state that the City wants a rural lifestyle, and then applications are eliminating agricultural zoning the courts could look at for separation and consistency. An application for an agricultural operation could have the basis that they comply with the General Plan while the other applications do not.

Mr. Baker stated regarding the diagram discussed earlier, that the specific codes and ordinances are made by the policy from the General Plan. A General Plan correctly done should inform policy makers and should flow into ordinances that implement the guiding principles of the General Plan. Commissioner Sloan stated that the vision is the base from which everything flows and is there flexibility if the vision changes? Mr. Baker stated that if the General Plan states that Open Space is important to the City, then it would be expected that there is a zoning district for open space or budgets and appropriations that are made for the acquisition of Open Space. Mr. Bolser stated that there is flexibility in the plan. The City has the ability under the law to entertain applications to amend the General Plan at any time whether those applications are City generated or private applications. Mr. Bolser gave a couple examples of how an application could make changes to the General Plan.

Commissioner Sloan stated that it was mentioned in the presentation that the public will have opportunities to provide feedback. Who will be involved in that process? Mr. Bolser stated that the Commission will be largely involved. The driver of the public process is the Planning Commission. For example, a lot of municipalities will have an open house. There will be conversation, discussion, review of the General Plan so that the publics' vision can be incorporated into the document.

Chairman Graf asked about Senate Bill 34 in 2019 with the 2019 deadline, will the City be compliant with that. Mr. Bolser stated that yes, they will. At the last Planning Commission meeting there was a revision to the Moderate-Income Housing Plan and it will be available for action in the first City Council meeting in November. Senate Bill requires 3 strategies of the 23 strategies in the bill. The City has found that they have seven of the strategies covered. The updated Moderate Income House Plan with those strategies identified as to be reported to the state by December 1<sup>st</sup> which the City should be able to accomplish.

Mr. Bolser stated the General Plan has three required elements, the Moderate-Income Housing Plan, Land Use Plan, and Transportation Plan. Those three elements are required by state law. Beyond that there is broad discretion of what other things can be addressed. Discussion will be had to determine what other elements the City Council and Planning Commission would like to include. The Moderate-Income Housing will be done after the City Council vote, hopefully in two weeks. The Transportation Master Plan is contracted with a transportation engineering firm. The only other required Element is the Land Use Plan and the Planning Commission will be working on that.

Chairman Graf asked as it relates to the transportation will the City be reaching out to the partners in the County to ensure the General Transportation Plan is compatible. Mr. Bosler stated that coordination with partnering agencies is done continually.

Chairman Graf stated that this is a great start to the process.

Commissioner Bevan asked if the State can request changes or corrections. Mr. Bolser stated the State can only require that there are the three elements, and the City is compliant with State law and meetings are properly noticed. Commissioner Bevan stated that she liked the five points on Tooele's vision.

6. **Review and Approval of Planning Commission minutes for meeting held October 9, 2019.**

Chairman Graf asked the Commission if there were any comments or questions.

**Commissioner Bevan moved to approve minutes from the meeting held on October 9, 2019.**

Commissioner Hamilton seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Hamilton, "Aye," Commissioner Bevan, "Aye," Commissioner Sloan, "Aye," Commissioner Smart, "Aye," Commissioner Whitehouse, Aye," Chairman Graf, "Aye." The motion passes.

7. **Adjourn**

Commissioner Sloan moved to adjourn. Chairman Graf declared the meeting adjourned at 7:39p.m.

*The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

Approved this 13th day of November, 2019

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Tony Graf, Chairman, Tooele City Planning Commission