

**TOOELE CITY PLANNING COMMISSION MINUTES**

**Date:** Wednesday, February 12, 2020

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

**Commission Members Present:**

Shauna Bevan  
Melanie Hammer  
Tyson Hamilton  
Bucky Whitehouse  
Ray Smart  
Matt Robinson  
Chris Sloan  
Nathan Thomas  
Dave McCall

**City Employees Present:**

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

**Council Members Present:**

Council Member Hansen  
Council Member Brady

Minutes prepared by Kelly Odermott

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

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Commissioner Bevan.

**2. Roll Call**

Matt Robinson, Present  
Melanie Hammer, Present  
Shauna Bevan, Present  
Tyson Hamilton, Present  
Ray Smart, Present  
Chris Sloan, Present  
Nathan Thomas, Present

Mr. Bolser welcomed the new Planning Commission Members, Commissioner Nathan Thomas and Commissioner Dave McCall.

3. **Public Hearing and Recommendation on a Zoning Map Amendment request from the MU-160 Multiple Use Zoning District to the R1-7 Residential Zoning District Zoning by Ron Hall for 1.51 acres located at approximately 600 South Canyon Road.**

Presented by Andrew Aagard

Mr. Aagard stated the subject properties are the south end of the paved portion of Canyon Road. There are single family residential uses east and north of the property. There is a City owned property previously used as a Boy Scouts of America facility to the south. The property is currently zoned MU-16 Multiple Use as are properties to the east, west and south. Properties to the north are zoned MUG-Mixed Use General. The purpose of the MU-16 zone is to protect land use, to provide opportunities for forestry, mining, habitat, and recreation and avoid damages to water resources and water shed. Mr. Aagard stated the applicant is requesting that the property be reassigned from MU-16 Multiple Uses to R1-7 Residential zoning. The property is currently a legal nonconforming with the mandates of the MU-16 Multiple Uses zone. Mr. Aagard gave a brief description of the differences between MU-16 Multiple Uses and R1-7 Residential zoning, including setbacks and lot width requirements and animals allowed between the two zones.

Mr. Aagard stated that the property is located within the sensitive overlay zone. The sensitive overlay is to protect and limit impact to sensitive areas, protect wildlife, protect watersheds, and protect scenic areas, and minimize risk of wildfire, and minimize landslides, runoff, and storm water issues. The overlay does not stop development, but does require increased requirements for fill, grading, and location of building on the site. The applicant has not asked for changes in the Sensitive Overlay zone. The residential use on the property would not be out of character of the surrounding properties. If the property is rezoned to R1-7 Residential, the 1.15 parcel could be subdivided into smaller lots. The rezoning of the parcels to R1-7, the City would be removing a nonconforming status on the property. Notices were sent out to adjacent property owners prior to the public hearing. One comment was received from an adjacent property owner as to if the property would be subdivided. Mr. Aagard stated it could be.

Chairman Hamilton asked if there were any additional comments from the Commission.

Commissioner Sloan asked how many properties could go on the property with the new zoning. Mr. Aagard stated that it would be about six, however there are constraints on the lots, due to public access and infrastructure.

Chairman Hamilton opened the public hearing.

Mr. Barry Lewis stated he lived on Canyon Road. He stated he isn't concerned with the residential up the road, but his concern is the road. In the City, residential development requires curb and gutter. Canyon Road has been there a long time, but has no curb and gutter. The road needs curb and gutter.

Mr. Jack Giles stated that he also lives on Canyon Road and he has the same concerns. He stated that there should be curb and gutter. There are a couple of residences that need curb and gutter to control vehicles and trash. He stated that the property appeared to already have a trench on it and he was not sure who had done that.

Mr. Ron Hall stated he is the owner of the property and he dug the trench because he was tired of the homeless people living on his property. He stated that he is only going to build three lots.

Chairman Hamilton closed the public hearing.

Commissioner Hammer and Commissioner Thomas both voiced concerns about the comments regarding homeless populations living on the properties up Canyon Road.

**Commissioner Sloan motion to forward a positive recommendation to the City Council for the Hall Zoning Map Amendment Request by Ronald hall to reassign the subject properties to the R1-7 Residential zoning district application number P2023, based on the findings listed in the Staff Report dated February 3, 2020.** Commissioner Smart seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Smart, "Aye," Commissioner Thomas, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

Commissioner Sloan stated that he had concerns about the curb and gutter, but the improvement of that road should not be assigned to a single property owner.

4. **Review and Discussion of the initial draft of the Annexation Policy Plan Element of the Tooele City General Plan revision.**

Presented by Jim Bolser

Mr. Bolser stated the Planning Commission has begun the revision process to the General Plan. The overview section and introduction section have already been reviewed as initial drafts. The annexation policy is an optional element to the General Plan; however, it is dictated by state code. The downside to not having an annexation policy, is that a community is not able to annex property. These plans need to be in place and be appropriate, in order to consider an annexation. The City has an annexation policy in place, but it is a standalone document and this will be incorporated into the General Plan.

Mr. Bolser gave a brief presentation on the six areas that are included in the annexation plan and the purposes for them. These areas do not mean that the City will annex them, it means that the City can hear a petition for land within that area by the land owner.

Mr. Bolser opened the discussion from the Planning Commission to discuss areas already identified and if there need to be additional areas as part of the annexation policy.

Commissioner Smart asked about the budget implications regarding annexation. Mr. Bolser stated that the annexation policy plan is not a budget policy plan. When an actual application comes through, those are considerations that come into determining the annexation of the property. Tax implications, budget implications are considered because once a property is part of the City, the City must service the property. Mr. Bolser stated that there are communities in the state that incorporated large areas of property in somewhat of a land grab fashion and much of the state code for annexation has adapted to combat municipalities taking land.

Commissioner Bevan stated that she liked the discouraging growth in outlining areas and encouraging growth in areas where services are available or areas that can have services easily extended. It makes sense to start where you are. Mr. Bolser stated that the annexation policy map is based on the current road map, because there are services already.

Commissioner Thomas asked what considerations were made for development of businesses in Area A as part of the annexation, specifically as it has been identified as the possible site of the future Inland Port. Are tax revenues considered during the development of the annexation plan. Mr. Bolser stated that the draft plan was created first from the existing policy and secondly, what is truly serviceable. Implication of tax revenues should be considered as potential annexation applications are brought for review. It is less of a factor in building the policy. It's more a question of smart growth with serviceability. Commissioner Thomas asked if there are any other areas that should be considered for water shed protection? Mr. Bolser stated there is always a concern about waters sheds and resources. In the area straddling Settlement Canyon, the vast majority is undevelopable. The property ownership in that area is one that is not going to become annexable. The same can be said for properties around Area C. There is no benefit in being in the City or outside of the City. One area that has been asked about regarding annexation, is just north of the Carr Fork subdivision. This is an area that will not be in the plan and it is part of Pine Canyon Township. The second reason is there is an easement over the vast majority of the site as a cleanup of environmental impacts from the Anaconda Mine.

Mr. Baker added the City annexed about 1700 acres around Settlement Canyon to emphasize the open space values and supporting the ownership. It was strategic to annex it into the City, at the time, Rocky Mountain Power was forcing alignment of the major transmission line through the City limits. By annexing the acreage into the City limits, it gave Tooele City additional protection from the infrastructure.

Mr. Hansen added that Tooele City and Tooele County both have ordinances to restrict development in source protection zones. A good part of the city's water originate in the settlement canyon basin. Under current county rule and City policy there is the ability to limit development that could adversely affect water quality.

Commissioner Robinson asked about the area north and south of Area A and B, is that not included because it is not developable? Mr. Bolser stated it is primarily about serviceability. There is a sewer plant near the area, but those area are below the elevation of the sewer plant. It has been opted to be left out due to the difficult placement of it.

Commissioner Sloan asked about taking land from other incorporated areas, particularly concerning the potential petition to incorporate a part of Erda. Mr. Bolser stated that in terms of boundaries, that is required and in the document. For areas that are considering incorporation, the State code is silent on the rules.

Mr. Baker added that the land over by Droubay Road north of Pine Canyon Road, that was not included due to its serviceability issues. It was proposed for annexation in 2010 and since then. It has had many challenges and disadvantages to it. The reason it is not included in the plan now, is the City does not want to give the viewpoint that the City is interested in or willing to annex the property.

Mr. Bolser stated that this will not be the last time this will be considered. It can be readdressed as other plans are reviewed. The development of the General Plan also allows for work sessions and study groups to ensure the plan meets the needs of the City.

Mr. Baker added that Area F is the Bauer property and is owned by the Tooele City Redevelopment Agency. It is currently listed for sale.

Commissioner Robinson asked what is the timeline for review of the elements of the plan in the future? Mr. Bolser stated this should be considered routinely. There will be a review of areas near these areas as developing other parts of the General Plan. In the ongoing years, the state dictates that there should be a review every two years. There is a five-year cycle that should be viewed as more of an overhaul of the plan. Commissioner Robinson asked what is the process if a land owner petitions the City for annexation, but is not included in an annexation area? Mr. Bolser stated that the process includes filing for an amendment to the General Plan to amend the annexation policy to have the area included and then a new area would be added to the General Plan. At that point, it is a standard annexation process.

Chairman Hamilton stated that he appreciated the new layout and format of the City Council Meetings.

5. **Review and Approval of Planning Commission minutes for meeting held January 8, 2020.**

Chairman Hamilton asked the Commission if there were any comments or questions. Chairman Hamilton pointed out that under item 6, it listed Chairman Graf instead of Chairman Hamilton.

**Commissioner Sloan moved to approve minutes from the meeting held on January 8, 2020, with the correction.** Commissioner Bevan seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Smart, "Aye," Commissioner Thomas, "Aye," Chairman Hamilton, "Aye." The motion passes.

6. **Adjourn**

Chairman Hamilton declared the meeting adjourned at 8:00p.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 22nd day of January, 2020

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Tyson Hamilton, Chairman, Tooele City Planning Commission